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HOUSE BILL 1885

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State of Washington

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2015 Regular Session

**By** Representatives Klippert, Hudgins, Chandler, Hunter, MacEwen, Goodman, Ormsby, Tarleton, Fitzgibbon, Kagi, Ryu, Reykdal, Stanford, and Walkinshaw

Read first time 02/02/15. Referred to Committee on Public Safety.

1 AN ACT Relating to addressing and mitigating the impacts of  
2 property crimes in Washington state; amending RCW 9.94A.030,  
3 9.94A.501, 9.94A.505, 9.94A.506, 9.94A.585, 9.94A.702, 9.94A.171,  
4 9.94A.860, 9.94A.8673, 9.94A.870, 9.94A.875, 43.15.020, 72.09.350,  
5 10.98.160, and 70.96A.350; reenacting and amending RCW 9.94A.515 and  
6 9.94A.701; adding a new section to chapter 43.88 RCW; adding new  
7 sections to chapter 9.94A RCW; adding new sections to chapter 43.131  
8 RCW; creating new sections; prescribing penalties; making  
9 appropriations; and providing an effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

12 (a) Washington has the highest property crime rate in the  
13 country.

14 (b) Washington's crime victims' compensation program does not  
15 provide victims with financial assistance for expenses associated  
16 with property crime.

17 (c) Funding for programs that notify victims when offenders are  
18 released from jail in three large counties is set to expire in 2016.

19 (d) In recent years, an increasing number of individuals  
20 convicted of property crimes have been sentenced to prison.  
21 Supervision paired with treatment including, but not limited to,

1 mental health and cognitive behavioral treatment and services, which  
2 can have a significant impact on reducing the likelihood of  
3 reoffending, is not available as a sentencing option for most people  
4 convicted of property offenses.

5 (e) Supervision practices in Washington are promising and the  
6 department of corrections continues to refine its approach to  
7 community supervision, but there is an opportunity to further  
8 strengthen the quality of supervision and extend it to property crime  
9 offenders.

10 (f) Pretrial detainees take up a significant portion of county  
11 jail space and a portion of these individuals will be rearrested upon  
12 release. Only a fraction of counties in Washington utilize risk  
13 assessments to inform decision making regarding pretrial release.

14 (g) Sustained policy development in juvenile and criminal justice  
15 would benefit from a more concerted, consistent, and visible form of  
16 governance.

17 (2) It is the intent of the legislature to respond to the  
18 findings of the Washington state justice reinvestment task force,  
19 which are outlined in subsection (1) of this section, by changing  
20 sentencing policy to require supervision of certain people convicted  
21 of property offenses; by providing treatment, if needed, and programs  
22 to reduce recidivism; and by providing additional support to local  
23 governments and victims of property crime. The legislature adopts  
24 this act with the goal of reducing property crime by at least fifteen  
25 percent by fiscal year 2021.

26 **Sec. 2.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to  
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout this chapter.

30 (1) "Board" means the indeterminate sentence review board created  
31 under chapter 9.95 RCW.

32 (2) "Collect," or any derivative thereof, "collect and remit," or  
33 "collect and deliver," when used with reference to the department,  
34 means that the department, either directly or through a collection  
35 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
36 and enforcing the offender's sentence with regard to the legal  
37 financial obligation, receiving payment thereof from the offender,  
38 and, consistent with current law, delivering daily the entire payment

1 to the superior court clerk without depositing it in a departmental  
2 account.

3 (3) "Commission" means the (~~sentencing guidelines~~) Washington  
4 justice commission.

5 (4) "Community corrections officer" means an employee of the  
6 department who is responsible for carrying out specific duties in  
7 supervision of sentenced offenders and monitoring of sentence  
8 conditions.

9 (5) "Community custody" means that portion of an offender's  
10 sentence of confinement in lieu of earned release time or imposed as  
11 part of a sentence under this chapter and served in the community  
12 subject to controls placed on the offender's movement and activities  
13 by the department.

14 (6) "Community protection zone" means the area within eight  
15 hundred eighty feet of the facilities and grounds of a public or  
16 private school.

17 (7) "Community restitution" means compulsory service, without  
18 compensation, performed for the benefit of the community by the  
19 offender.

20 (8) "Confinement" means total or partial confinement.

21 (9) "Conviction" means an adjudication of guilt pursuant to Title  
22 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
23 and acceptance of a plea of guilty.

24 (10) "Crime-related prohibition" means an order of a court  
25 prohibiting conduct that directly relates to the circumstances of the  
26 crime for which the offender has been convicted, and shall not be  
27 construed to mean orders directing an offender affirmatively to  
28 participate in rehabilitative programs or to otherwise perform  
29 affirmative conduct. However, affirmative acts necessary to monitor  
30 compliance with the order of a court may be required by the  
31 department.

32 (11) "Criminal history" means the list of a defendant's prior  
33 convictions and juvenile adjudications, whether in this state, in  
34 federal court, or elsewhere.

35 (a) The history shall include, where known, for each conviction  
36 (i) whether the defendant has been placed on probation and the length  
37 and terms thereof; and (ii) whether the defendant has been  
38 incarcerated and the length of incarceration.

39 (b) A conviction may be removed from a defendant's criminal  
40 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,

1 9.95.240, or a similar out-of-state statute, or if the conviction has  
2 been vacated pursuant to a governor's pardon.

3 (c) The determination of a defendant's criminal history is  
4 distinct from the determination of an offender score. A prior  
5 conviction that was not included in an offender score calculated  
6 pursuant to a former version of the sentencing reform act remains  
7 part of the defendant's criminal history.

8 (12) "Criminal street gang" means any ongoing organization,  
9 association, or group of three or more persons, whether formal or  
10 informal, having a common name or common identifying sign or symbol,  
11 having as one of its primary activities the commission of criminal  
12 acts, and whose members or associates individually or collectively  
13 engage in or have engaged in a pattern of criminal street gang  
14 activity. This definition does not apply to employees engaged in  
15 concerted activities for their mutual aid and protection, or to the  
16 activities of labor and bona fide nonprofit organizations or their  
17 members or agents.

18 (13) "Criminal street gang associate or member" means any person  
19 who actively participates in any criminal street gang and who  
20 intentionally promotes, furthers, or assists in any criminal act by  
21 the criminal street gang.

22 (14) "Criminal street gang-related offense" means any felony or  
23 misdemeanor offense, whether in this state or elsewhere, that is  
24 committed for the benefit of, at the direction of, or in association  
25 with any criminal street gang, or is committed with the intent to  
26 promote, further, or assist in any criminal conduct by the gang, or  
27 is committed for one or more of the following reasons:

28 (a) To gain admission, prestige, or promotion within the gang;

29 (b) To increase or maintain the gang's size, membership,  
30 prestige, dominance, or control in any geographical area;

31 (c) To exact revenge or retribution for the gang or any member of  
32 the gang;

33 (d) To obstruct justice, or intimidate or eliminate any witness  
34 against the gang or any member of the gang;

35 (e) To directly or indirectly cause any benefit, aggrandizement,  
36 gain, profit, or other advantage for the gang, its reputation,  
37 influence, or membership; or

38 (f) To provide the gang with any advantage in, or any control or  
39 dominance over any criminal market sector, including, but not limited  
40 to, manufacturing, delivering, or selling any controlled substance

1 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
2 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
3 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
4 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
5 9.68 RCW).

6 (15) "Day fine" means a fine imposed by the sentencing court that  
7 equals the difference between the offender's net daily income and the  
8 reasonable obligations that the offender has for the support of the  
9 offender and any dependents.

10 (16) "Day reporting" means a program of enhanced supervision  
11 designed to monitor the offender's daily activities and compliance  
12 with sentence conditions, and in which the offender is required to  
13 report daily to a specific location designated by the department or  
14 the sentencing court.

15 (17) "Department" means the department of corrections.

16 (18) "Determinate sentence" means a sentence that states with  
17 exactitude the number of actual years, months, or days of total  
18 confinement, of partial confinement, of community custody, the number  
19 of actual hours or days of community restitution work, or dollars or  
20 terms of a legal financial obligation. The fact that an offender  
21 through earned release can reduce the actual period of confinement  
22 shall not affect the classification of the sentence as a determinate  
23 sentence.

24 (19) "Disposable earnings" means that part of the earnings of an  
25 offender remaining after the deduction from those earnings of any  
26 amount required by law to be withheld. For the purposes of this  
27 definition, "earnings" means compensation paid or payable for  
28 personal services, whether denominated as wages, salary, commission,  
29 bonuses, or otherwise, and, notwithstanding any other provision of  
30 law making the payments exempt from garnishment, attachment, or other  
31 process to satisfy a court-ordered legal financial obligation,  
32 specifically includes periodic payments pursuant to pension or  
33 retirement programs, or insurance policies of any type, but does not  
34 include payments made under Title 50 RCW, except as provided in RCW  
35 50.40.020 and 50.40.050, or Title 74 RCW.

36 (20) "Domestic violence" has the same meaning as defined in RCW  
37 10.99.020 and 26.50.010.

38 (21) "Drug offender sentencing alternative" is a sentencing  
39 option available to persons convicted of a felony offense other than

1 a violent offense or a sex offense and who are eligible for the  
2 option under RCW 9.94A.660.

3 (22) "Drug offense" means:

4 (a) Any felony violation of chapter 69.50 RCW except possession  
5 of a controlled substance (RCW 69.50.4013) or forged prescription for  
6 a controlled substance (RCW 69.50.403);

7 (b) Any offense defined as a felony under federal law that  
8 relates to the possession, manufacture, distribution, or  
9 transportation of a controlled substance; or

10 (c) Any out-of-state conviction for an offense that under the  
11 laws of this state would be a felony classified as a drug offense  
12 under (a) of this subsection.

13 (23) "Earned release" means earned release from confinement as  
14 provided in RCW 9.94A.728.

15 (24) "Escape" means:

16 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
17 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
18 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
19 willful failure to return from work release (RCW 72.65.070), or  
20 willful failure to be available for supervision by the department  
21 while in community custody (RCW 72.09.310); or

22 (b) Any federal or out-of-state conviction for an offense that  
23 under the laws of this state would be a felony classified as an  
24 escape under (a) of this subsection.

25 (25) "Felony traffic offense" means:

26 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
27 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
28 run injury-accident (RCW 46.52.020(4)), felony driving while under  
29 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
30 or felony physical control of a vehicle while under the influence of  
31 intoxicating liquor or any drug (RCW 46.61.504(6)); or

32 (b) Any federal or out-of-state conviction for an offense that  
33 under the laws of this state would be a felony classified as a felony  
34 traffic offense under (a) of this subsection.

35 (26) "Fine" means a specific sum of money ordered by the  
36 sentencing court to be paid by the offender to the court over a  
37 specific period of time.

38 (27) "First-time offender" means any person who has no prior  
39 convictions for a felony and is eligible for the first-time offender  
40 waiver under RCW 9.94A.650.

1 (28) "Home detention" means a program of partial confinement  
2 available to offenders wherein the offender is confined in a private  
3 residence subject to electronic surveillance.

4 (29) "Homelessness" or "homeless" means a condition where an  
5 individual lacks a fixed, regular, and adequate nighttime residence  
6 and who has a primary nighttime residence that is:

7 (a) A supervised, publicly or privately operated shelter designed  
8 to provide temporary living accommodations;

9 (b) A public or private place not designed for, or ordinarily  
10 used as, a regular sleeping accommodation for human beings; or

11 (c) A private residence where the individual stays as a transient  
12 invitee.

13 (30) "Legal financial obligation" means a sum of money that is  
14 ordered by a superior court of the state of Washington for legal  
15 financial obligations which may include restitution to the victim,  
16 statutorily imposed crime victims' compensation fees as assessed  
17 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
18 funds, court-appointed attorneys' fees, and costs of defense, fines,  
19 and any other financial obligation that is assessed to the offender  
20 as a result of a felony conviction. Upon conviction for vehicular  
21 assault while under the influence of intoxicating liquor or any drug,  
22 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
23 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
24 financial obligations may also include payment to a public agency of  
25 the expense of an emergency response to the incident resulting in the  
26 conviction, subject to RCW 38.52.430.

27 (31) "Minor child" means a biological or adopted child of the  
28 offender who is under age eighteen at the time of the offender's  
29 current offense.

30 (32) "Most serious offense" means any of the following felonies  
31 or a felony attempt to commit any of the following felonies:

32 (a) Any felony defined under any law as a class A felony or  
33 criminal solicitation of or criminal conspiracy to commit a class A  
34 felony;

35 (b) Assault in the second degree;

36 (c) Assault of a child in the second degree;

37 (d) Child molestation in the second degree;

38 (e) Controlled substance homicide;

39 (f) Extortion in the first degree;

40 (g) Incest when committed against a child under age fourteen;

1 (h) Indecent liberties;  
2 (i) Kidnapping in the second degree;  
3 (j) Leading organized crime;  
4 (k) Manslaughter in the first degree;  
5 (l) Manslaughter in the second degree;  
6 (m) Promoting prostitution in the first degree;  
7 (n) Rape in the third degree;  
8 (o) Robbery in the second degree;  
9 (p) Sexual exploitation;  
10 (q) Vehicular assault, when caused by the operation or driving of  
11 a vehicle by a person while under the influence of intoxicating  
12 liquor or any drug or by the operation or driving of a vehicle in a  
13 reckless manner;  
14 (r) Vehicular homicide, when proximately caused by the driving of  
15 any vehicle by any person while under the influence of intoxicating  
16 liquor or any drug as defined by RCW 46.61.502, or by the operation  
17 of any vehicle in a reckless manner;  
18 (s) Any other class B felony offense with a finding of sexual  
19 motivation;  
20 (t) Any other felony with a deadly weapon verdict under RCW  
21 9.94A.825;  
22 (u) Any felony offense in effect at any time prior to December 2,  
23 1993, that is comparable to a most serious offense under this  
24 subsection, or any federal or out-of-state conviction for an offense  
25 that under the laws of this state would be a felony classified as a  
26 most serious offense under this subsection;  
27 (v)(i) A prior conviction for indecent liberties under RCW  
28 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
29 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
30 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
31 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
32 until July 1, 1988;  
33 (ii) A prior conviction for indecent liberties under RCW  
34 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
35 if: (A) The crime was committed against a child under the age of  
36 fourteen; or (B) the relationship between the victim and perpetrator  
37 is included in the definition of indecent liberties under RCW  
38 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
39 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
40 1993, through July 27, 1997;

1 (w) Any out-of-state conviction for a felony offense with a  
2 finding of sexual motivation if the minimum sentence imposed was ten  
3 years or more; provided that the out-of-state felony offense must be  
4 comparable to a felony offense under this title and Title 9A RCW and  
5 the out-of-state definition of sexual motivation must be comparable  
6 to the definition of sexual motivation contained in this section.

7 (33) "Nonviolent offense" means an offense which is not a violent  
8 offense.

9 (34) "Offender" means a person who has committed a felony  
10 established by state law and is eighteen years of age or older or is  
11 less than eighteen years of age but whose case is under superior  
12 court jurisdiction under RCW 13.04.030 or has been transferred by the  
13 appropriate juvenile court to a criminal court pursuant to RCW  
14 13.40.110. In addition, for the purpose of community custody  
15 requirements under this chapter, "offender" also means a misdemeanor  
16 or gross misdemeanor probationer ordered by a superior court to  
17 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
18 supervised by the department pursuant to RCW 9.94A.501 and  
19 9.94A.5011. Throughout this chapter, the terms "offender" and  
20 "defendant" are used interchangeably.

21 (35) "Partial confinement" means confinement for no more than one  
22 year in a facility or institution operated or utilized under contract  
23 by the state or any other unit of government, or, if home detention  
24 or work crew has been ordered by the court or home detention has been  
25 ordered by the department as part of the parenting program, in an  
26 approved residence, for a substantial portion of each day with the  
27 balance of the day spent in the community. Partial confinement  
28 includes work release, home detention, work crew, and a combination  
29 of work crew and home detention.

30 (36) "Pattern of criminal street gang activity" means:

31 (a) The commission, attempt, conspiracy, or solicitation of, or  
32 any prior juvenile adjudication of or adult conviction of, two or  
33 more of the following criminal street gang-related offenses:

34 (i) Any "serious violent" felony offense as defined in this  
35 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
36 Child 1 (RCW 9A.36.120);

37 (ii) Any "violent" offense as defined by this section, excluding  
38 Assault of a Child 2 (RCW 9A.36.130);

39 (iii) Deliver or Possession with Intent to Deliver a Controlled  
40 Substance (chapter 69.50 RCW);

1 (iv) Any violation of the firearms and dangerous weapon act  
2 (chapter 9.41 RCW);  
3 (v) Theft of a Firearm (RCW 9A.56.300);  
4 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);  
5 (vii) Malicious Harassment (RCW 9A.36.080);  
6 (viii) Harassment where a subsequent violation or deadly threat  
7 is made (RCW 9A.46.020(2)(b));  
8 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
9 (x) Any felony conviction by a person eighteen years of age or  
10 older with a special finding of involving a juvenile in a felony  
11 offense under RCW 9.94A.833;  
12 (xi) Residential Burglary (RCW 9A.52.025);  
13 (xii) Burglary 2 (RCW 9A.52.030);  
14 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
15 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
16 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
17 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
18 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
19 9A.56.070);  
20 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
21 9A.56.075);  
22 (xix) Extortion 1 (RCW 9A.56.120);  
23 (xx) Extortion 2 (RCW 9A.56.130);  
24 (xxi) Intimidating a Witness (RCW 9A.72.110);  
25 (xxii) Tampering with a Witness (RCW 9A.72.120);  
26 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
27 (xxiv) Coercion (RCW 9A.36.070);  
28 (xxv) Harassment (RCW 9A.46.020); or  
29 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
30 (b) That at least one of the offenses listed in (a) of this  
31 subsection shall have occurred after July 1, 2008;  
32 (c) That the most recent committed offense listed in (a) of this  
33 subsection occurred within three years of a prior offense listed in  
34 (a) of this subsection; and  
35 (d) Of the offenses that were committed in (a) of this  
36 subsection, the offenses occurred on separate occasions or were  
37 committed by two or more persons.  
38 (37) "Persistent offender" is an offender who:  
39 (a)(i) Has been convicted in this state of any felony considered  
40 a most serious offense; and

1 (ii) Has, before the commission of the offense under (a) of this  
2 subsection, been convicted as an offender on at least two separate  
3 occasions, whether in this state or elsewhere, of felonies that under  
4 the laws of this state would be considered most serious offenses and  
5 would be included in the offender score under RCW 9.94A.525; provided  
6 that of the two or more previous convictions, at least one conviction  
7 must have occurred before the commission of any of the other most  
8 serious offenses for which the offender was previously convicted; or

9 (b)(i) Has been convicted of: (A) Rape in the first degree, rape  
10 of a child in the first degree, child molestation in the first  
11 degree, rape in the second degree, rape of a child in the second  
12 degree, or indecent liberties by forcible compulsion; (B) any of the  
13 following offenses with a finding of sexual motivation: Murder in the  
14 first degree, murder in the second degree, homicide by abuse,  
15 kidnapping in the first degree, kidnapping in the second degree,  
16 assault in the first degree, assault in the second degree, assault of  
17 a child in the first degree, assault of a child in the second degree,  
18 or burglary in the first degree; or (C) an attempt to commit any  
19 crime listed in this subsection (37)(b)(i); and

20 (ii) Has, before the commission of the offense under (b)(i) of  
21 this subsection, been convicted as an offender on at least one  
22 occasion, whether in this state or elsewhere, of an offense listed in  
23 (b)(i) of this subsection or any federal or out-of-state offense or  
24 offense under prior Washington law that is comparable to the offenses  
25 listed in (b)(i) of this subsection. A conviction for rape of a child  
26 in the first degree constitutes a conviction under (b)(i) of this  
27 subsection only when the offender was sixteen years of age or older  
28 when the offender committed the offense. A conviction for rape of a  
29 child in the second degree constitutes a conviction under (b)(i) of  
30 this subsection only when the offender was eighteen years of age or  
31 older when the offender committed the offense.

32 (38) "Predatory" means: (a) The perpetrator of the crime was a  
33 stranger to the victim, as defined in this section; (b) the  
34 perpetrator established or promoted a relationship with the victim  
35 prior to the offense and the victimization of the victim was a  
36 significant reason the perpetrator established or promoted the  
37 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
38 volunteer, or other person in authority in any public or private  
39 school and the victim was a student of the school under his or her  
40 authority or supervision. For purposes of this subsection, "school"

1 does not include home-based instruction as defined in RCW  
2 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
3 authority in any recreational activity and the victim was a  
4 participant in the activity under his or her authority or  
5 supervision; (iii) a pastor, elder, volunteer, or other person in  
6 authority in any church or religious organization, and the victim was  
7 a member or participant of the organization under his or her  
8 authority; or (iv) a teacher, counselor, volunteer, or other person  
9 in authority providing home-based instruction and the victim was a  
10 student receiving home-based instruction while under his or her  
11 authority or supervision. For purposes of this subsection: (A) "Home-  
12 based instruction" has the same meaning as defined in RCW  
13 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
14 in authority" does not include the parent or legal guardian of the  
15 victim.

16 (39) "Private school" means a school regulated under chapter  
17 28A.195 or 28A.205 RCW.

18 (40) "Property offense" means:

19 (a)(i) Counterfeiting (RCW 9.16.035(4));

20 (ii) Identity Theft 1 (RCW 9.35.020(2));

21 (iii) Theft of Livestock 1 (RCW 9A.56.080);

22 (iv) Trafficking in Stolen Property 1 (RCW 9A.82.050);

23 (v) Unlawful Factoring of a Credit Card or Payment Card  
24 Transaction (RCW 9A.56.290(4)(b));

25 (vi) Burglary 2 (RCW 9A.52.030);

26 (vii) Organized Retail Theft 1 (RCW 9A.56.350(2));

27 (viii) Retail Theft with Special Circumstances 1 (RCW  
28 9A.56.360(2));

29 (ix) Theft of Livestock 2 (RCW 9A.56.083);

30 (x) Theft with the Intent to Resell 1 (RCW 9A.56.340(2));

31 (xi) Trafficking in Stolen Property 2 (RCW 9A.82.055);

32 (xii) Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b));

33 (xiii) Commercial Fishing Without a License 1 (RCW  
34 77.15.500(3)(b));

35 (xiv) Counterfeiting (RCW 9.16.035(3));

36 (xv) Engaging in Fish Dealing Activity Unlicensed 1 (RCW  
37 77.15.620(3)(b));

38 (xvi) Health Care False Claims (RCW 48.80.030);

39 (xvii) Identity Theft 2 (RCW 9.35.020(3));

40 (xviii) Malicious Mischief 1 (RCW 9A.48.070);

1 (xix) Organized Retail Theft 2 (RCW 9A.56.350(3));  
2 (xx) Possession of Stolen Property 1 (RCW 9A.56.150);  
3 (xxi) Possession of a Stolen Vehicle (RCW 9A.56.068);  
4 (xxii) Retail Theft with Special Circumstances 2 (RCW  
5 9A.56.360(3));  
6 (xxiii) Scrap Processing, Recycling, or Supplying Without a  
7 License (second or subsequent offense) (RCW 19.290.100(2)(b));  
8 (xxiv) Theft 1 (RCW 9A.56.030);  
9 (xxv) Theft of a Motor Vehicle (RCW 9A.56.065);  
10 (xxvi) Theft of Rental, Leased, Lease-purchased, or Loaned  
11 Property (valued at five thousand dollars or more) (RCW  
12 9A.56.096(5)(a));  
13 (xxvii) Theft with the Intent to Resell 2 (RCW 9A.56.340(3));  
14 (xxviii) Trafficking in Insurance Claims (RCW 48.30A.015);  
15 (xxix) Unlawful Factoring of a Credit Card or Payment Card  
16 Transaction (RCW 9A.56.290(4)(a));  
17 (xxx) False Verification for Welfare (RCW 74.08.055);  
18 (xxxi) Forgery (RCW 9A.60.020);  
19 (xxxii) Malicious Mischief 2 (RCW 9A.48.080);  
20 (xxxiii) Possession of Stolen Property 2 (RCW 9A.56.160);  
21 (xxxiv) Reckless Burning 1 (RCW 9A.48.040);  
22 (xxxv) Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075);  
23 (xxxvi) Theft 2 (RCW 9A.56.040);  
24 (xxxvii) Theft of Rental, Leased, Lease-purchased, or Loaned  
25 Property (valued at seven hundred fifty dollars or more but less than  
26 five thousand dollars) (RCW 9A.56.096(5)(b));  
27 (xxxviii) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060);  
28 (xxxix) Unlawful Possession of Fictitious Identification (RCW  
29 9A.56.320(4));  
30 (xl) Unlawful Possession of Instruments of Financial Fraud (RCW  
31 9A.56.320(5));  
32 (xli) Unlawful Possession of Payment Instruments (RCW  
33 9A.56.320(2));  
34 (xlii) Unlawful Possession of a Personal Identification Device  
35 (RCW 9A.56.320(3));  
36 (xliii) Unlawful Production of Payment Instruments (RCW  
37 9A.56.320(1));  
38 (xliv) Unlawful Trafficking in Food Stamps (RCW 9.91.142);  
39 (xlv) Unlawful Use of Food Stamps (RCW 9.91.144);

1        (b) An attempt, criminal solicitation, or criminal conspiracy to  
2 commit a property offense under (a) of this subsection; or

3        (c) Any federal or out-of-state conviction for an offense that  
4 under the laws of this state would be a felony classified as a  
5 property offense under (a) or (b) of this subsection.

6        (41) "Public school" has the same meaning as in RCW 28A.150.010.

7        ~~((41))~~ (42) "Repetitive domestic violence offense" means any:

8        (a)(i) Domestic violence assault that is not a felony offense  
9 under RCW 9A.36.041;

10        (ii) Domestic violence violation of a no-contact order under  
11 chapter 10.99 RCW that is not a felony offense;

12        (iii) Domestic violence violation of a protection order under  
13 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony  
14 offense;

15        (iv) Domestic violence harassment offense under RCW 9A.46.020  
16 that is not a felony offense; or

17        (v) Domestic violence stalking offense under RCW 9A.46.110 that  
18 is not a felony offense; or

19        (b) Any federal, out-of-state, tribal court, military, county, or  
20 municipal conviction for an offense that under the laws of this state  
21 would be classified as a repetitive domestic violence offense under  
22 (a) of this subsection.

23        ~~((42))~~ (43) "Restitution" means a specific sum of money ordered  
24 by the sentencing court to be paid by the offender to the court over  
25 a specified period of time as payment of damages. The sum may include  
26 both public and private costs.

27        ~~((43))~~ (44) "Risk assessment" means the application of the risk  
28 instrument recommended to the department by the Washington state  
29 institute for public policy as having the highest degree of  
30 predictive accuracy for assessing an offender's risk of reoffense.

31        ~~((44))~~ (45) "Serious traffic offense" means:

32        (a) Nonfelony driving while under the influence of intoxicating  
33 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
34 while under the influence of intoxicating liquor or any drug (RCW  
35 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
36 attended vehicle (RCW 46.52.020(5)); or

37        (b) Any federal, out-of-state, county, or municipal conviction  
38 for an offense that under the laws of this state would be classified  
39 as a serious traffic offense under (a) of this subsection.

1       (~~(45)~~) (46) "Serious violent offense" is a subcategory of  
2 violent offense and means:

- 3       (a)(i) Murder in the first degree;
- 4       (ii) Homicide by abuse;
- 5       (iii) Murder in the second degree;
- 6       (iv) Manslaughter in the first degree;
- 7       (v) Assault in the first degree;
- 8       (vi) Kidnapping in the first degree;
- 9       (vii) Rape in the first degree;
- 10      (viii) Assault of a child in the first degree; or
- 11      (ix) An attempt, criminal solicitation, or criminal conspiracy to
- 12 commit one of these felonies; or

13       (b) Any federal or out-of-state conviction for an offense that  
14 under the laws of this state would be a felony classified as a  
15 serious violent offense under (a) of this subsection.

16       (~~(46)~~) (47) "Sex offense" means:

- 17       (a)(i) A felony that is a violation of chapter 9A.44 RCW other
- 18 than RCW 9A.44.132;
- 19       (ii) A violation of RCW 9A.64.020;
- 20       (iii) A felony that is a violation of chapter 9.68A RCW other
- 21 than RCW 9.68A.080;
- 22       (iv) A felony that is, under chapter 9A.28 RCW, a criminal
- 23 attempt, criminal solicitation, or criminal conspiracy to commit such
- 24 crimes; or
- 25       (v) A felony violation of RCW 9A.44.132(1) (failure to register)
- 26 if the person has been convicted of violating RCW 9A.44.132(1)
- 27 (failure to register) on at least one prior occasion;

28       (b) Any conviction for a felony offense in effect at any time  
29 prior to July 1, 1976, that is comparable to a felony classified as a  
30 sex offense in (a) of this subsection;

31       (c) A felony with a finding of sexual motivation under RCW  
32 9.94A.835 or 13.40.135; or

33       (d) Any federal or out-of-state conviction for an offense that  
34 under the laws of this state would be a felony classified as a sex  
35 offense under (a) of this subsection.

36       (~~(47)~~) (48) "Sexual motivation" means that one of the purposes  
37 for which the defendant committed the crime was for the purpose of  
38 his or her sexual gratification.

39       (~~(48)~~) (49) "Standard sentence range" means the sentencing  
40 court's discretionary range in imposing a nonappealable sentence.

1       (~~(49)~~) (50) "Statutory maximum sentence" means the maximum  
2 length of time for which an offender may be confined as punishment  
3 for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the  
4 statute defining the crime, or other statute defining the maximum  
5 penalty for a crime.

6       (~~(50)~~) (51) "Stranger" means that the victim did not know the  
7 offender twenty-four hours before the offense.

8       (~~(51)~~) (52) "Total confinement" means confinement inside the  
9 physical boundaries of a facility or institution operated or utilized  
10 under contract by the state or any other unit of government for  
11 twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

12       (~~(52)~~) (53) "Transition training" means written and verbal  
13 instructions and assistance provided by the department to the  
14 offender during the two weeks prior to the offender's successful  
15 completion of the work ethic camp program. The transition training  
16 shall include instructions in the offender's requirements and  
17 obligations during the offender's period of community custody.

18       (~~(53)~~) (54) "Victim" means any person who has sustained  
19 emotional, psychological, physical, or financial injury to person or  
20 property as a direct result of the crime charged.

21       (~~(54)~~) (55) "Violent offense" means:

22       (a) Any of the following felonies:

23       (i) Any felony defined under any law as a class A felony or an  
24 attempt to commit a class A felony;

25       (ii) Criminal solicitation of or criminal conspiracy to commit a  
26 class A felony;

27       (iii) Manslaughter in the first degree;

28       (iv) Manslaughter in the second degree;

29       (v) Indecent liberties if committed by forcible compulsion;

30       (vi) Kidnapping in the second degree;

31       (vii) Arson in the second degree;

32       (viii) Assault in the second degree;

33       (ix) Assault of a child in the second degree;

34       (x) Extortion in the first degree;

35       (xi) Robbery in the second degree;

36       (xii) Drive-by shooting;

37       (xiii) Vehicular assault, when caused by the operation or driving  
38 of a vehicle by a person while under the influence of intoxicating  
39 liquor or any drug or by the operation or driving of a vehicle in a  
40 reckless manner; and

1 (xiv) Vehicular homicide, when proximately caused by the driving  
2 of any vehicle by any person while under the influence of  
3 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
4 the operation of any vehicle in a reckless manner;

5 (b) Any conviction for a felony offense in effect at any time  
6 prior to July 1, 1976, that is comparable to a felony classified as a  
7 violent offense in (a) of this subsection; and

8 (c) Any federal or out-of-state conviction for an offense that  
9 under the laws of this state would be a felony classified as a  
10 violent offense under (a) or (b) of this subsection.

11 ~~((+55+))~~ (56) "Work crew" means a program of partial confinement  
12 consisting of civic improvement tasks for the benefit of the  
13 community that complies with RCW 9.94A.725.

14 ~~((+56+))~~ (57) "Work ethic camp" means an alternative  
15 incarceration program as provided in RCW 9.94A.690 designed to reduce  
16 recidivism and lower the cost of corrections by requiring offenders  
17 to complete a comprehensive array of real-world job and vocational  
18 experiences, character-building work ethics training, life management  
19 skills development, substance abuse rehabilitation, counseling,  
20 literacy training, and basic adult education.

21 ~~((+57+))~~ (58) "Work release" means a program of partial  
22 confinement available to offenders who are employed or engaged as a  
23 student in a regular course of study at school.

24 **Sec. 3.** RCW 9.94A.501 and 2013 2nd sp.s. c 35 s 15 are each  
25 amended to read as follows:

26 (1) The department shall supervise the following offenders who  
27 are sentenced to probation in superior court, pursuant to RCW  
28 9.92.060, 9.95.204, or 9.95.210:

29 (a) Offenders convicted of:

30 (i) Sexual misconduct with a minor second degree;

31 (ii) Custodial sexual misconduct second degree;

32 (iii) Communication with a minor for immoral purposes; and

33 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

34 (b) Offenders who have:

35 (i) A current conviction for a repetitive domestic violence  
36 offense where domestic violence has been plead and proven after  
37 August 1, 2011; and

1 (ii) A prior conviction for a repetitive domestic violence  
2 offense or domestic violence felony offense where domestic violence  
3 has been plead and proven after August 1, 2011.

4 (2) Misdemeanor and gross misdemeanor offenders supervised by the  
5 department pursuant to this section shall be placed on community  
6 custody.

7 (3) The department shall supervise every felony offender  
8 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702  
9 whose risk assessment classifies the offender as one who is at a high  
10 risk to reoffend.

11 (4) Notwithstanding any other provision of this section, the  
12 department shall supervise an offender sentenced to community custody  
13 regardless of risk classification if the offender:

14 (a) Has a current conviction for a sex offense or a serious  
15 violent offense and was sentenced to a term of community custody  
16 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

17 (b) Has been identified by the department as a dangerous mentally  
18 ill offender pursuant to RCW 72.09.370;

19 (c) Has an indeterminate sentence and is subject to parole  
20 pursuant to RCW 9.95.017;

21 (d) Has a current conviction for violating RCW 9A.44.132(1)  
22 (failure to register) and was sentenced to a term of community  
23 custody pursuant to RCW 9.94A.701;

24 (e) Has a current conviction for a domestic violence felony  
25 offense where domestic violence has been plead and proven after  
26 August 1, 2011, and a prior conviction for a repetitive domestic  
27 violence offense or domestic violence felony offense where domestic  
28 violence has been plead and proven after August 1, 2011;

29 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
30 9.94A.670;

31 (g) Is subject to supervision pursuant to RCW 9.94A.745; (~~or~~)

32 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
33 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
34 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

35 (i) Has a current conviction for a property offense as defined in  
36 RCW 9.94A.030, and has an offender score of two points or more.

37 (5) The department is not authorized to, and may not, supervise  
38 any offender sentenced to a term of community custody or any  
39 probationer unless the offender or probationer is one for whom  
40 supervision is required under this section or RCW 9.94A.5011.

1 (6) The department shall conduct a risk assessment for every  
2 felony offender sentenced to a term of community custody who may be  
3 subject to supervision under this section or RCW 9.94A.5011.

4 **Sec. 4.** RCW 9.94A.505 and 2010 c 224 s 4 are each amended to  
5 read as follows:

6 (1) When a person is convicted of a felony, the court shall  
7 impose punishment as provided in this chapter.

8 (2)(a) The court shall impose a sentence as provided in the  
9 following sections and as applicable in the case:

10 (i) Unless another term of confinement applies, a sentence within  
11 the standard sentence range established in RCW 9.94A.510 ~~((~~o~~))~~  
12 9.94A.517, or section 7 of this act;

13 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

14 (iii) RCW 9.94A.570, relating to persistent offenders;

15 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

16 (v) RCW 9.94A.650, relating to the first-time offender waiver;

17 (vi) RCW 9.94A.660, relating to the drug offender sentencing  
18 alternative;

19 (vii) RCW 9.94A.670, relating to the special sex offender  
20 sentencing alternative;

21 (viii) RCW 9.94A.655, relating to the parenting sentencing  
22 alternative;

23 (ix) RCW 9.94A.507, relating to certain sex offenses;

24 (x) RCW 9.94A.535, relating to exceptional sentences;

25 (xi) RCW 9.94A.589, relating to consecutive and concurrent  
26 sentences;

27 (xii) RCW 9.94A.603, relating to felony driving while under the  
28 influence of intoxicating liquor or any drug and felony physical  
29 control of a vehicle while under the influence of intoxicating liquor  
30 or any drug.

31 (b) If a standard sentence range has not been established for the  
32 offender's crime, the court shall impose a determinate sentence which  
33 may include not more than one year of confinement; community  
34 restitution work; a term of community custody under RCW 9.94A.702 not  
35 to exceed one year; and/or other legal financial obligations. The  
36 court may impose a sentence which provides more than one year of  
37 confinement and a community custody term under RCW 9.94A.701 if the  
38 court finds reasons justifying an exceptional sentence as provided in  
39 RCW 9.94A.535.

1 (3) If the court imposes a sentence requiring confinement of  
2 thirty days or less, the court may, in its discretion, specify that  
3 the sentence be served on consecutive or intermittent days. A  
4 sentence requiring more than thirty days of confinement shall be  
5 served on consecutive days. Local jail administrators may schedule  
6 court-ordered intermittent sentences as space permits.

7 (4) If a sentence imposed includes payment of a legal financial  
8 obligation, it shall be imposed as provided in RCW 9.94A.750,  
9 9.94A.753, 9.94A.760, and 43.43.7541.

10 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
11 court may not impose a sentence providing for a term of confinement  
12 or community custody that exceeds the statutory maximum for the crime  
13 as provided in chapter 9A.20 RCW.

14 (6) The sentencing court shall give the offender credit for all  
15 confinement time served before the sentencing if that confinement was  
16 solely in regard to the offense for which the offender is being  
17 sentenced.

18 (7) The court shall order restitution as provided in RCW  
19 9.94A.750 and 9.94A.753.

20 (8) As a part of any sentence, the court may impose and enforce  
21 crime-related prohibitions and affirmative conditions as provided in  
22 this chapter.

23 (9) In any sentence of partial confinement, the court may require  
24 the offender to serve the partial confinement in work release, in a  
25 program of home detention, on work crew, or in a combined program of  
26 work crew and home detention.

27 **Sec. 5.** RCW 9.94A.506 and 2011 1st sp.s. c 40 s 26 are each  
28 amended to read as follows:

29 The standard sentence ranges of total and partial confinement  
30 under this chapter, except as provided in RCW 9.94A.517 and section 7  
31 of this act, are subject to the following limitations:

32 (1) If the maximum term in the range is one year or less, the  
33 minimum term in the range shall be no less than one-third of the  
34 maximum term in the range, except that if the maximum term in the  
35 range is ninety days or less, the minimum term may be less than one-  
36 third of the maximum;

37 (2) If the maximum term in the range is greater than one year,  
38 the minimum term in the range shall be no less than seventy-five  
39 percent of the maximum term in the range, except that for murder in

1 the second degree in seriousness level XIV under RCW 9.94A.510, the  
2 minimum term in the range shall be no less than fifty percent of the  
3 maximum term in the range; and

4 (3) The maximum term of confinement in a range may not exceed the  
5 statutory maximum for the crime as provided in RCW 9A.20.021.

6 **Sec. 6.** RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013  
7 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read  
8 as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN  
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW  
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)  
15 Malicious explosion 1 (RCW  
16 70.74.280(1))  
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)  
19 Trafficking 1 (RCW 9A.40.100(1))
- 20 XIII Malicious explosion 2 (RCW  
21 70.74.280(2))  
22 Malicious placement of an explosive 1  
23 (RCW 70.74.270(1))
- 24 XII Assault 1 (RCW 9A.36.011)  
25 Assault of a Child 1 (RCW 9A.36.120)  
26 Malicious placement of an imitation  
27 device 1 (RCW 70.74.272(1)(a))  
28 Promoting Commercial Sexual Abuse  
29 of a Minor (RCW 9.68A.101)  
30 Rape 1 (RCW 9A.44.040)  
31 Rape of a Child 1 (RCW 9A.44.073)  
32 Trafficking 2 (RCW 9A.40.100((2)))  
33 (3)
- 34 XI Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)  
2 Rape of a Child 2 (RCW 9A.44.076)  
3 Vehicular Homicide, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 46.61.520)  
6 X Child Molestation 1 (RCW 9A.44.083)  
7 Criminal Mistreatment 1 (RCW  
8 9A.42.020)  
9 Indecent Liberties (with forcible  
10 compulsion) (RCW  
11 9A.44.100(1)(a))  
12 Kidnapping 1 (RCW 9A.40.020)  
13 Leading Organized Crime (RCW  
14 9A.82.060(1)(a))  
15 Malicious explosion 3 (RCW  
16 70.74.280(3))  
17 Sexually Violent Predator Escape  
18 (RCW 9A.76.115)  
19 IX Abandonment of Dependent Person 1  
20 (RCW 9A.42.060)  
21 Assault of a Child 2 (RCW 9A.36.130)  
22 Explosive devices prohibited (RCW  
23 70.74.180)  
24 Hit and Run—Death (RCW  
25 46.52.020(4)(a))  
26 Homicide by Watercraft, by being  
27 under the influence of intoxicating  
28 liquor or any drug (RCW  
29 79A.60.050)  
30 Inciting Criminal Profiteering (RCW  
31 9A.82.060(1)(b))  
32 Malicious placement of an explosive 2  
33 (RCW 70.74.270(2))  
34 Robbery 1 (RCW 9A.56.200)  
35 Sexual Exploitation (RCW 9.68A.040)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Commercial Sexual Abuse of a Minor  
3 (RCW 9.68A.100)  
4 Homicide by Watercraft, by the  
5 operation of any vessel in a  
6 reckless manner (RCW  
7 79A.60.050)  
8 Manslaughter 2 (RCW 9A.32.070)  
9 Promoting Prostitution 1 (RCW  
10 9A.88.070)  
11 Theft of Ammonia (RCW 69.55.010)  
12 Vehicular Homicide, by the operation  
13 of any vehicle in a reckless  
14 manner (RCW 46.61.520)  
15 VII Burglary 1 (RCW 9A.52.020)  
16 Child Molestation 2 (RCW 9A.44.086)  
17 Civil Disorder Training (RCW  
18 9A.48.120)  
19 Dealing in depictions of minor engaged  
20 in sexually explicit conduct 1  
21 (RCW 9.68A.050(1))  
22 Drive-by Shooting (RCW 9A.36.045)  
23 Homicide by Watercraft, by disregard  
24 for the safety of others (RCW  
25 79A.60.050)  
26 Indecent Liberties (without forcible  
27 compulsion) (RCW 9A.44.100(1)  
28 (b) and (c))  
29 Introducing Contraband 1 (RCW  
30 9A.76.140)  
31 Malicious placement of an explosive 3  
32 (RCW 70.74.270(3))  
33 Negligently Causing Death By Use of a  
34 Signal Preemption Device (RCW  
35 46.37.675)

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct 1 (RCW  
4 9.68A.060(1))  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of Dependent Person 2  
30 (RCW 9A.42.070)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW  
2 9A.42.030)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Dealing in Depictions of Minor  
6 Engaged in Sexually Explicit  
7 Conduct 2 (RCW 9.68A.050(2))  
8 Domestic Violence Court Order  
9 Violation (RCW 10.99.040,  
10 10.99.050, 26.09.300, 26.10.220,  
11 26.26.138, 26.50.110, 26.52.070,  
12 or 74.34.145)  
13 Driving While Under the Influence  
14 (RCW 46.61.502(6))  
15 Extortion 1 (RCW 9A.56.120)  
16 Extortionate Extension of Credit (RCW  
17 9A.82.020)  
18 Extortionate Means to Collect  
19 Extensions of Credit (RCW  
20 9A.82.040)  
21 Incest 2 (RCW 9A.64.020(2))  
22 Kidnapping 2 (RCW 9A.40.030)  
23 Perjury 1 (RCW 9A.72.020)  
24 Persistent prison misbehavior (RCW  
25 9.94.070)  
26 Physical Control of a Vehicle While  
27 Under the Influence (RCW  
28 46.61.504(6))  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1  
33 (RCW 9A.76.070)

1 Sending, Bringing into State  
2 Depictions of Minor Engaged in  
3 Sexually Explicit Conduct 2  
4 (RCW 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault by Watercraft (RCW  
18 79A.60.060)  
19 Bribing a Witness/Bribe Received by  
20 Witness (RCW 9A.72.090,  
21 9A.72.100)  
22 Cheating 1 (RCW 9.46.1961)  
23 Commercial Bribery (RCW  
24 9A.68.060)  
25 ~~((Counterfeiting (RCW 9.16.035(4))))~~  
26 Endangerment with a Controlled  
27 Substance (RCW 9A.42.100)  
28 Escape 1 (RCW 9A.76.110)  
29 Hit and Run—Injury (RCW  
30 46.52.020(4)(b))  
31 Hit and Run with Vessel—Injury  
32 Accident (RCW 79A.60.200(3))  
33 ~~((Identity Theft 1 (RCW 9.35.020(2))))~~

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)

4 Influencing Outcome of Sporting Event  
5 (RCW 9A.82.070)

6 Malicious Harassment (RCW  
7 9A.36.080)

8 Possession of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 2 (RCW 9.68A.070(2))

11 Residential Burglary (RCW  
12 9A.52.025)

13 Robbery 2 (RCW 9A.56.210)

14 ~~((Theft of Livestock 1 (RCW~~  
15 ~~9A.56.080)))~~

16 Threats to Bomb (RCW 9.61.160)

17 ~~((Trafficking in Stolen Property 1~~  
18 ~~(RCW 9A.82.050)~~

19 ~~Unlawful factoring of a credit card or~~  
20 ~~payment card transaction (RCW~~  
21 ~~9A.56.290(4)(b)))~~

22 Unlawful transaction of health  
23 coverage as a health care service  
24 contractor (RCW 48.44.016(3))

25 Unlawful transaction of health  
26 coverage as a health maintenance  
27 organization (RCW 48.46.033(3))

28 Unlawful transaction of insurance  
29 business (RCW 48.15.023(3))

30 Unlicensed practice as an insurance  
31 professional (RCW 48.17.063(2))

32 Use of Proceeds of Criminal  
33 Profiteering (RCW 9A.82.080 (1)  
34 and (2))

1 Vehicle Prowling 2 (third or  
2 subsequent offense) (RCW  
3 9A.52.100(3))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Viewing of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 1 (RCW 9.68A.075(1))  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun  
18 Gun) (RCW 9A.36.031 except  
19 subsection (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 ~~((Burglary 2 (RCW 9A.52.030)))~~  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyberstalking (subsequent conviction  
31 or threat of death) (RCW  
32 9.61.260(3))  
33 Escape 2 (RCW 9A.76.120)  
34 Extortion 2 (RCW 9A.56.130)  
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Mortgage Fraud (RCW 19.144.080)  
8 Negligently Causing Substantial  
9 Bodily Harm By Use of a Signal  
10 Preemption Device (RCW  
11 46.37.674)  
12 ~~((Organized Retail Theft 1 (RCW~~  
13 ~~9A.56.350(2))))~~  
14 Perjury 2 (RCW 9A.72.030)  
15 Possession of Incendiary Device (RCW  
16 9.40.120)  
17 Possession of Machine Gun or Short-  
18 Barreled Shotgun or Rifle (RCW  
19 9.41.190)  
20 Promoting Prostitution 2 (RCW  
21 9A.88.080)  
22 ~~((Retail Theft with Special~~  
23 ~~Circumstances 1 (RCW~~  
24 ~~9A.56.360(2))))~~  
25 Securities Act violation (RCW  
26 21.20.400)  
27 Tampering with a Witness (RCW  
28 9A.72.120)  
29 Telephone Harassment (subsequent  
30 conviction or threat of death)  
31 (RCW 9.61.230(2))  
32 ~~((Theft of Livestock 2 (RCW~~  
33 ~~9A.56.083)~~  
34 ~~Theft with the Intent to Resell 1 (RCW~~  
35 ~~9A.56.340(2))~~

1 Trafficking in Stolen Property 2 (RCW  
2 9A.82.055)  
3 ~~Unlawful Hunting of Big Game 1~~  
4 ~~(RCW 77.15.410(3)(b))~~)  
5 Unlawful Imprisonment (RCW  
6 9A.40.040)  
7 Unlawful Misbranding of Food Fish or  
8 Shellfish 1 (RCW 69.04.938(3))  
9 Unlawful possession of firearm in the  
10 second degree (RCW 9.41.040(2))  
11 Unlawful Taking of Endangered Fish  
12 or Wildlife 1 (RCW  
13 77.15.120(3)(b))  
14 Unlawful Trafficking in Fish, Shellfish,  
15 or Wildlife 1 (RCW  
16 77.15.260(3)(b))  
17 Unlawful Use of a Nondesignated  
18 Vessel (RCW 77.15.530(4))  
19 Vehicular Assault, by the operation or  
20 driving of a vehicle with disregard  
21 for the safety of others (RCW  
22 46.61.522)  
23 Willful Failure to Return from Work  
24 Release (RCW 72.65.070)  
25 II ~~((Commercial Fishing Without a~~  
26 ~~License 1 (RCW~~  
27 ~~77.15.500(3)(b))~~)  
28 Computer Trespass 1 (RCW  
29 9A.52.110)  
30 ~~((Counterfeiting (RCW 9.16.035(3))~~  
31 ~~Engaging in Fish Dealing Activity~~  
32 ~~Unlicensed 1 (RCW~~  
33 ~~77.15.620(3))~~)  
34 Escape from Community Custody  
35 (RCW 72.09.310)

1 Failure to Register as a Sex Offender  
2 (second or subsequent offense)  
3 (RCW 9A.44.132)  
4 ~~((Health Care False Claims (RCW~~  
5 ~~48.80.030)~~  
6 Identity Theft 2 (RCW 9.35.020(3)))  
7 Improperly Obtaining Financial  
8 Information (RCW 9.35.010)  
9 ~~((Malicious Mischief 1 (RCW~~  
10 ~~9A.48.070)~~  
11 Organized Retail Theft 2 (RCW  
12 9A.56.350(3))  
13 Possession of Stolen Property 1 (RCW  
14 9A.56.150)  
15 Possession of a Stolen Vehicle (RCW  
16 9A.56.068)  
17 Retail Theft with Special  
18 Circumstances 2 (RCW  
19 9A.56.360(3))  
20 Scrap Processing, Recycling, or  
21 Supplying Without a License  
22 (second or subsequent offense)  
23 (RCW 19.290.100)  
24 Theft 1 (RCW 9A.56.030)  
25 Theft of a Motor Vehicle (RCW  
26 9A.56.065)  
27 Theft of Rental, Leased, or Lease-  
28 purchased Property (valued at one  
29 thousand five hundred dollars or  
30 more) (RCW 9A.56.096(5)(a))  
31 Theft with the Intent to Resell 2 (RCW  
32 9A.56.340(3))  
33 Trafficking in Insurance Claims (RCW  
34 48.30A.015)

1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(a)))  
4 Unlawful Participation of Non-Indians  
5 in Indian Fishery (RCW  
6 77.15.570(2))  
7 Unlawful Practice of Law (RCW  
8 2.48.180)  
9 Unlawful Purchase or Use of a License  
10 (RCW 77.15.650(3)(b))  
11 Unlawful Trafficking in Fish, Shellfish,  
12 or Wildlife 2 (RCW  
13 77.15.260(3)(a))  
14 Unlicensed Practice of a Profession or  
15 Business (RCW 18.130.190(7))  
16 Voyeurism (RCW 9A.44.115)  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 ~~((False Verification for Welfare (RCW~~  
20 ~~74.08.055)~~  
21 ~~Forgery (RCW 9A.60.020)))~~  
22 Fraudulent Creation or Revocation of a  
23 Mental Health Advance Directive  
24 (RCW 9A.60.060)  
25 ~~((Malicious Mischief 2 (RCW~~  
26 ~~9A.48.080)))~~  
27 Mineral Trespass (RCW 78.44.330)  
28 ~~((Possession of Stolen Property 2~~  
29 ~~(RCW 9A.56.160)~~  
30 ~~Reckless Burning 1 (RCW~~  
31 ~~9A.48.040)))~~  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))

1 ((Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft of Rental, Leased, or Lease-  
5 purchased Property (valued at two  
6 hundred fifty dollars or more but  
7 less than one thousand five  
8 hundred dollars) (RCW  
9 9A.56.096(5)(b))))  
10 Transaction of insurance business  
11 beyond the scope of licensure  
12 (RCW 48.17.063)  
13 Unlawful Fish and Shellfish Catch  
14 Accounting (RCW  
15 77.15.630(3)(b))  
16 ((Unlawful Issuance of Checks or  
17 Drafts—(RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Release of Deleterious  
30 Exotic Wildlife (RCW  
31 77.15.250(2)(b))  
32 Unlawful Trafficking in Food Stamps  
33 (RCW 9.91.142)  
34 Unlawful Use of Food Stamps (RCW  
35 9.91.144))

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Unlawfully Releasing, Planting,

7 Possessing, or Placing Deleterious

8 Exotic Wildlife (RCW

9 77.15.250(2)(b)

10 Vehicle Prowl 1 (RCW 9A.52.095)

11 Violating Commercial Fishing Area or

12 Time 1 (RCW 77.15.550(3)(b))

13 NEW SECTION. **Sec. 7.**

14 (1)

15 TABLE 5 - PROPERTY OFFENSE SENTENCING GRID

Seriousness Level	Offender Score									
	0	1	2	3	4	5	6	7	8	9 or more
<b>4</b>	15-180 days	30-240 days	30-300 days	30-365 days	12+-16 months	14-18 months	16-24 months	24-30 months	30-36.5 months	36.5-42 months
<b>3</b>	10-90 days	15-180 days	20-180 days	30-240 days	30-300 days	60-365 days	12+-16 months	14-18 months	16-24 months	24-30 months
<b>2</b>	5-90 days	10-120 days	15-180 days	20-180 days	30-240 days	30-300 days	60-365 days	12+-16 months	14-18 months	16-20 months
<b>1</b>	5-60 days	5-90 days	10-120 days	20-180 days	30-240 days	30-300 days	30-300 days	30-365 days	12+-16 months	14-18 months

28 References to months represent the standard sentence range. 12+  
29 equals one year and one day.

30 (2) The court may utilize any other sanctions or alternatives as  
31 authorized by law, including but not limited to the special drug  
32 offender sentencing alternative under RCW 9.94A.660 or drug court  
33 under RCW 2.28.170.

1 (3) Nothing in this section creates an entitlement for a criminal  
2 defendant to any specific sanction, alternative, sentence option, or  
3 substance abuse treatment.

4 NEW SECTION. **Sec. 8.**

5 TABLE 6 - PROPERTY OFFENSES  
6 INCLUDED WITHIN EACH SERIOUSNESS LEVEL

7	IV	Counterfeiting (RCW 9.16.035(4))
8		Identity Theft 1 (RCW 9.35.020(2))
9		Theft of Livestock 1 (RCW 9A.56.080)
10		Trafficking in Stolen Property 1 (RCW
11		9A.82.050)
12		Unlawful Factoring of a Credit Card or
13		Payment Card Transaction (RCW
14		9A.56.290(4)(b))
15	III	Burglary 2 (RCW 9A.52.030)
16		Organized Retail Theft 1 (RCW
17		9A.56.350(2))
18		Retail Theft with Special Circumstances 1
19		(RCW 9A.56.360(2))
20		Theft of Livestock 2 (RCW 9A.56.083)
21		Theft with the Intent to Resell 1 (RCW
22		9A.56.340(2))
23		Trafficking in Stolen Property 2 (RCW
24		9A.82.055)
25		Unlawful Hunting of Big Game 1 (RCW
26		77.15.410(3)(b))
27	II	Commercial Fishing Without a License 1
28		(RCW 77.15.500(3)(b))
29		Counterfeiting (RCW 9.16.035(3))
30		Engaging in Fish Dealing Activity
31		Unlicensed 1 (RCW 77.15.620(3)(b))
32		Health Care False Claims (RCW 48.80.030)
33		Identity Theft 2 (RCW 9.35.020(3))
34		Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW  
2 9A.56.350(3))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Possession of a Stolen Vehicle (RCW  
6 9A.56.068)  
7 Retail Theft with Special Circumstances 2  
8 (RCW 9A.56.360(3))  
9 Scrap Processing, Recycling, or Supplying  
10 Without a License (second or  
11 subsequent offense) (RCW  
12 19.290.100(2)(b))  
13 Theft 1 (RCW 9A.56.030)  
14 Theft of a Motor Vehicle (RCW 9A.56.065)  
15 Theft of Rental, Leased, or Lease-  
16 purchased, or Loaned Property (valued  
17 at five thousand dollars or more) (RCW  
18 9A.56.096(5)(a))  
19 Theft with the Intent to Resell 2 (RCW  
20 9A.56.340(3))  
21 Trafficking in Insurance Claims (RCW  
22 48.30A.015)  
23 Unlawful Factoring of a Credit Card or  
24 Payment Card Transaction (RCW  
25 9A.56.290(4)(a))  
26 I False Verification for Welfare (RCW  
27 74.08.055)  
28 Forgery (RCW 9A.60.020)  
29 Malicious Mischief 2 (RCW 9A.48.080)  
30 Possession of Stolen Property 2 (RCW  
31 9A.56.160)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Taking Motor Vehicle Without Permission  
34 2 (RCW 9A.56.075)  
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, Lease-purchased,  
2 or Loan Property (valued at seven  
3 hundred fifty dollars or more but less  
4 than five thousand dollars) (RCW  
5 9A.56.096(5)(b))  
6 Unlawful Issuance of Checks or Drafts  
7 (RCW 9A.56.060)  
8 Unlawful Possession of Fictitious  
9 Identification (RCW 9A.56.320(4))  
10 Unlawful Possession of Instruments of  
11 Financial Fraud (RCW 9A.56.320(5))  
12 Unlawful Possession of Payment  
13 Instruments (RCW 9A.56.320(2))  
14 Unlawful Possession of a Personal  
15 Identification Device (RCW  
16 9A.56.320(3))  
17 Unlawful Production of Payment  
18 Instruments (RCW 9A.56.320(1))  
19 Unlawful Trafficking in Food Stamps  
20 (RCW 9.91.142)  
21 Unlawful Use of Food Stamps (RCW  
22 9.91.144)

23 **Sec. 9.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to  
24 read as follows:

25 (1) A sentence within the standard sentence range, under RCW  
26 9.94A.510 ~~((~~or~~))~~, 9.94A.517, or section 7 of this act, for an offense  
27 shall not be appealed. For purposes of this section, a sentence  
28 imposed on a first-time offender under RCW 9.94A.650 shall also be  
29 deemed to be within the standard sentence range for the offense and  
30 shall not be appealed.

31 (2) A sentence outside the standard sentence range for the  
32 offense is subject to appeal by the defendant or the state. The  
33 appeal shall be to the court of appeals in accordance with rules  
34 adopted by the supreme court.

35 (3) Pending review of the sentence, the sentencing court or the  
36 court of appeals may order the defendant confined or placed on  
37 conditional release, including bond.

1 (4) To reverse a sentence which is outside the standard sentence  
2 range, the reviewing court must find: (a) Either that the reasons  
3 supplied by the sentencing court are not supported by the record  
4 which was before the judge or that those reasons do not justify a  
5 sentence outside the standard sentence range for that offense; or (b)  
6 that the sentence imposed was clearly excessive or clearly too  
7 lenient.

8 (5) A review under this section shall be made solely upon the  
9 record that was before the sentencing court. Written briefs shall not  
10 be required and the review and decision shall be made in an expedited  
11 manner according to rules adopted by the supreme court.

12 (6) The court of appeals shall issue a written opinion in support  
13 of its decision whenever the judgment of the sentencing court is  
14 reversed and may issue written opinions in any other case where the  
15 court believes that a written opinion would provide guidance to  
16 sentencing courts and others in implementing this chapter and in  
17 developing a common law of sentencing within the state.

18 (7) The department may petition for a review of a sentence  
19 committing an offender to the custody or jurisdiction of the  
20 department. The review shall be limited to errors of law. Such  
21 petition shall be filed with the court of appeals no later than  
22 ninety days after the department has actual knowledge of terms of the  
23 sentence. The petition shall include a certification by the  
24 department that all reasonable efforts to resolve the dispute at the  
25 superior court level have been exhausted.

26 **Sec. 10.** RCW 9.94A.701 and 2010 c 267 s 11 and 2010 c 224 s 5  
27 are each reenacted and amended to read as follows:

28 (1) If an offender is sentenced to the custody of the department  
29 for one of the following crimes, the court shall, in addition to the  
30 other terms of the sentence, sentence the offender to community  
31 custody for three years:

32 (a) A sex offense not sentenced under RCW 9.94A.507; or

33 (b) A serious violent offense.

34 (2) A court shall, in addition to the other terms of the  
35 sentence, sentence an offender to community custody for eighteen  
36 months when the court sentences the person to the custody of the  
37 department for a violent offense that is not considered a serious  
38 violent offense.

1 (3) A court shall, in addition to the other terms of the  
2 sentence, sentence an offender to community custody for one year when  
3 the court sentences the person to the custody of the department for:

4 (a) Any crime against persons under RCW 9.94A.411(2);

5 (b) An offense involving the unlawful possession of a firearm  
6 under RCW 9.41.040, where the offender is a criminal street gang  
7 member or associate;

8 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed  
9 on or after July 1, 2000; (~~or~~)

10 (d) A felony violation of RCW 9A.44.132(1) (failure to register)  
11 that is the offender's first violation for a felony failure to  
12 register; or

13 (e) Any property offense, as defined in RCW 9.94A.030 if the  
14 offender has an offender score of two points or more.

15 (4) If an offender is sentenced under the drug offender  
16 sentencing alternative, the court shall impose community custody as  
17 provided in RCW 9.94A.660.

18 (5) If an offender is sentenced under the special sex offender  
19 sentencing alternative, the court shall impose community custody as  
20 provided in RCW 9.94A.670.

21 (6) If an offender is sentenced to a work ethic camp, the court  
22 shall impose community custody as provided in RCW 9.94A.690.

23 (7) If an offender is sentenced under the parenting sentencing  
24 alternative, the court shall impose a term of community custody as  
25 provided in RCW 9.94A.655.

26 (8) If a sex offender is sentenced as a nonpersistent offender  
27 pursuant to RCW 9.94A.507, the court shall impose community custody  
28 as provided in that section.

29 (9) The term of community custody specified by this section shall  
30 be reduced by the court whenever an offender's standard range term of  
31 confinement in combination with the term of community custody exceeds  
32 the statutory maximum for the crime as provided in RCW 9A.20.021.

33 **Sec. 11.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to  
34 read as follows:

35 (1) If an offender is sentenced to a term of confinement for one  
36 year or less for one of the following offenses, the court may impose  
37 up to one year of community custody:

38 (a) A sex offense;

39 (b) A violent offense;

1 (c) A crime against a person under RCW 9.94A.411;

2 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an  
3 attempt, conspiracy, or solicitation to commit such a crime; or

4 (e) A felony violation of RCW 9A.44.132(1) (failure to register).

5 (2) If an offender is sentenced to a term of confinement for one  
6 year or less for a property offense, as defined in RCW 9.94A.030, and  
7 the offender has an offender score of two points or more, the court  
8 shall impose one year of community custody.

9 (3) If an offender is sentenced to a first-time offender waiver,  
10 the court may impose community custody as provided in RCW 9.94A.650.

11 **Sec. 12.** RCW 9.94A.171 and 2011 1st sp.s. c 40 s 1 are each  
12 amended to read as follows:

13 (1) A term of confinement ordered in a sentence pursuant to this  
14 chapter shall be tolled by any period of time during which the  
15 offender has absented himself or herself from confinement without the  
16 prior approval of the entity in whose custody the offender has been  
17 placed. A term of partial confinement shall be tolled during any  
18 period of time spent in total confinement pursuant to a new  
19 conviction.

20 (2) Any term of community custody shall be tolled by any period  
21 of time during which the offender has absented himself or herself  
22 from supervision without prior approval of the entity under whose  
23 supervision the offender has been placed.

24 (3)(a) For offenders other than sex offenders serving a sentence  
25 for a sex offense as defined in RCW 9.94A.030, any period of  
26 community custody shall be tolled during any period of time the  
27 offender is in confinement for any reason unless the offender is  
28 detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of  
29 time prior to the hearing or for confinement pursuant to sanctions  
30 imposed for violation of sentence conditions, in which case, the  
31 period of community custody shall not toll. However, sanctions that  
32 result in the imposition of the remaining sentence or the original  
33 sentence will continue to toll the period of community custody. In  
34 addition, inpatient treatment ordered by the court in lieu of jail  
35 time shall not toll the period of community custody.

36 (b) For sex offenders serving a sentence for a sex offense as  
37 defined in RCW 9.94A.030, any period of community custody shall be  
38 tolled during any period of time the sex offender is in confinement  
39 for any reason.

1 (c) For offenders serving a sentence for a property offense, as  
2 defined in RCW 9.94A.030, any period of community custody shall be  
3 tolled during any period of time the offender is in confinement for  
4 any reason.

5 (4) For terms of confinement or community custody, the date for  
6 the tolling of the sentence shall be established by the entity  
7 responsible for the confinement or supervision.

8 (5) For the purposes of this section, "tolling" means the period  
9 of time in which community custody or confinement time is paused and  
10 for which the offender does not receive credit towards the term  
11 ordered.

12 **Sec. 13.** RCW 9.94A.860 and 2011 1st sp.s. c 40 s 36 are each  
13 amended to read as follows:

14 (1) The ~~((sentencing guidelines))~~ commission is hereby created~~((~~  
15 ~~located within the office of financial management. Except as provided~~  
16 ~~in RCW 9.94A.875, the commission shall serve to advise the governor~~  
17 ~~and the legislature as necessary on issues relating to adult and~~  
18 ~~juvenile sentencing)).~~ The commission may meet, as necessary, to  
19 accomplish these purposes within funds appropriated.

20 (2) The commission consists of twenty voting members, one of whom  
21 the governor shall designate as chairperson. With the exception of ex  
22 officio voting members, the voting members of the commission shall be  
23 appointed by the governor, or his or her designee, subject to  
24 confirmation by the senate.

25 (3) The voting membership consists of the following:

26 (a) The ~~((head of the state agency having general responsibility~~  
27 ~~for adult correction programs))~~ director of the department, as an ex  
28 officio member;

29 (b) The director of financial management or designee, as an ex  
30 officio member;

31 (c) The chair of the indeterminate sentence review board, as an  
32 ex officio member;

33 (d) The head of the state agency, or the agency head's designee,  
34 having responsibility for juvenile corrections programs, as an ex  
35 officio member;

36 (e) Two prosecuting attorneys;

37 (f) Two attorneys with particular expertise in defense work;

38 (g) ~~((Four))~~ Two persons who are superior court judges;

1 (h) One person who is the chief law enforcement officer of a  
2 county (~~(or)~~) and one person who is the chief law enforcement officer  
3 of a city;

4 (i) Four members of the public who are not prosecutors, defense  
5 attorneys, judges, or law enforcement officers, one of whom is a  
6 victim of crime or a crime victims' advocate;

7 (j) One person who is an elected official of a county government,  
8 other than a prosecuting attorney or sheriff;

9 (k) One person who is an elected official of a city government;

10 (l) One person who is an administrator of juvenile court  
11 services;

12 (m) The chief justice of the supreme court or the chief justice's  
13 designee, as an ex officio member.

14 In making the appointments, the governor shall endeavor to assure  
15 that the commission membership includes adequate representation and  
16 expertise relating to both the adult criminal justice system and the  
17 juvenile justice system. In making the appointments, the governor  
18 shall seek the recommendations of Washington prosecutors in respect  
19 to the prosecuting attorney members, of the Washington state bar  
20 association in respect to the defense attorney members, of the  
21 association of superior court judges in respect to the members who  
22 are judges, of the Washington association of sheriffs and police  
23 chiefs in respect to the member who is a law enforcement officer, of  
24 the Washington state association of counties in respect to the member  
25 who is a county official, of the association of Washington cities in  
26 respect to the member who is a city official, of the office of crime  
27 victims advocacy and other organizations of crime victims in respect  
28 to the member who is a victim of crime or a crime victims' advocate,  
29 and of the Washington association of juvenile court administrators in  
30 respect to the member who is an administrator of juvenile court  
31 services.

32 (4)(a) All voting members of the commission, except ex officio  
33 voting members, shall serve terms of three years and until their  
34 successors are appointed and confirmed.

35 (b) The governor shall stagger the terms of the members appointed  
36 under subsection (3)(j), (k), and (l) of this section by appointing  
37 one of them for a term of one year, one for a term of two years, and  
38 one for a term of three years.

39 (5) The speaker of the house of representatives and the president  
40 of the senate may each appoint two nonvoting members to the

1 commission, one from each of the two largest caucuses in each house.  
2 The members so appointed shall serve two-year terms, or until they  
3 cease to be members of the house from which they were appointed,  
4 whichever occurs first.

5 (6) The executive director of the caseload forecast council or  
6 his or her designee shall be an ex officio, nonvoting member of the  
7 commission.

8 (7) The members of the commission may be reimbursed for travel  
9 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative  
10 members may be reimbursed by their respective houses as provided  
11 under RCW 44.04.120. Except for the reimbursement of travel expenses,  
12 members shall not be compensated.

13 NEW SECTION. **Sec. 14.** (1) The duties and functions of the  
14 sentencing guidelines commission are transferred to the Washington  
15 justice commission on the effective date of this section.

16 (2)(a) All reports, documents, surveys, books, records, files,  
17 papers, or written materials in the possession of the sentencing  
18 guidelines commission shall be delivered to the custody of the  
19 Washington justice commission. All funds, credits, or other assets  
20 held by the office of financial management specifically for the  
21 sentencing guidelines commission shall be assigned to the Washington  
22 justice commission.

23 (b) If any question arises as to the transfer of any personnel,  
24 funds, books, documents, records, papers, files, equipment, or other  
25 tangible property used or held in the exercise of the powers and the  
26 performance of the duties and functions transferred, the director of  
27 financial management shall make a determination as to the proper  
28 allocation and certify the same to the state agencies concerned.

29 (3) All rules and all pending business before the sentencing  
30 guidelines commission on the effective date of this section shall be  
31 continued and acted upon by the Washington justice commission. All  
32 existing contracts and obligations shall remain in full force and  
33 shall be performed by the Washington justice commission.

34 (4) The transfer of the powers, duties, functions, and personnel  
35 of the sentencing guidelines commission shall not affect the validity  
36 of any act performed before the effective date of this section.

37 (5) If apportionments of budgeted funds are required because of  
38 the transfers directed by this section, the director of financial  
39 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make  
2 the appropriate transfer and adjustments in funds and appropriation  
3 accounts and equipment records in accordance with the certification.

4 NEW SECTION. **Sec. 15.** (1)(a) In addition to the functions and  
5 duties as provided in section 14(1) of this act, the commission is to  
6 help improve the state justice system by providing a centralized  
7 forum for developing statewide policy recommendations related to the  
8 overall justice system in Washington state in general and  
9 implementing this act in particular. Any recommendations approved by  
10 the commission shall be forwarded to the governor and appropriate  
11 committees of the legislature in December of each year and shared  
12 with the organizations that comprise the commission and the public.

13 (b) The commission shall periodically review property crime  
14 seriousness levels and the classification of offenses as felonies or  
15 misdemeanors and include any recommendations for changes in this area  
16 with the recommendations submitted under (a) of this subsection.

17 (2)(a) The commission is created to develop and update a policy  
18 vision and comprehensive, long-range plan for recommendation to the  
19 governor and legislature that promotes and coordinates a state  
20 justice system that encompasses public safety, offender  
21 accountability, crime reduction and prevention, and offender  
22 treatment and rehabilitation. State and local agencies may implement  
23 portions of the plan that are within their existing authority.

24 (b) The plan under subsection (1) of this section must include,  
25 but is not limited to, recommendations regarding:

26 (i) Capacity, utilization, and type of state and local prison,  
27 juvenile detention, and jail facilities;

28 (ii) Implementation of noncustodial programs and services;

29 (iii) Additional alternatives to the use of prison, juvenile  
30 detention, and jail facilities;

31 (iv) Appropriate use of existing facilities and programs;

32 (v) Whether additional or different facilities and programs are  
33 necessary;

34 (vi) Methods of assessing the effectiveness of juvenile and adult  
35 correctional programs, devices, and sanctions in reducing future  
36 criminal conduct by juvenile and adult offenders;

37 (vii) Methods of reducing the risk of future criminal conduct;

38 and

39 (viii) The effective utilization of law and justice committees.

1 (c) The commission shall recommend its first strategic plan to  
2 the governor and appropriate committees of the legislature by  
3 December 1, 2016, and provide any recommended changes to the plan  
4 every two years thereafter.

5 (3) The commission also:

6 (a) May conduct joint studies by agreement with the judicial  
7 agencies, the department of corrections, the caseload forecast  
8 council, or other state agencies, boards, or commissions on any  
9 matter within the jurisdiction of the commission;

10 (b) May assist the caseload forecast council in providing  
11 Washington criminal justice analytical and statistical information to  
12 federal agencies;

13 (c) May provide technical assistance and support to local law and  
14 justice committees;

15 (d) May provide an annual state adult sentencing guidelines  
16 manual and biannual juvenile disposition guidelines manual;

17 (e) Shall prepare racial and ethnic impact statements as provided  
18 under section 26 of this act;

19 (f) May apply for and receive gifts and grants from any public or  
20 private source;

21 (g) Shall enter into an interagency agreement with the department  
22 of commerce or the department of labor and industries, or establish  
23 its own program if necessary, to provide assistance to victims of  
24 property crimes to the extent appropriations are specifically  
25 provided for this purpose;

26 (h) Shall award grants from funds appropriated by the legislature  
27 to the commission for that purpose or from funds otherwise available  
28 from any other source, for the purpose of carrying out the duties of  
29 the commission.

30 (4)(a) Not less than once per biennium, the commission shall  
31 identify:

32 (i) Property crime rates;

33 (ii) The impact on supervision, jail, and prison populations of  
34 sentencing under the property crime grid in this chapter;

35 (iii) Recidivism rates, as measured by rearrest among other  
36 outcomes, of supervision, jail, and prison populations; and

37 (iv) New programs implemented through grant funding from the  
38 commission.

39 (b) No later than January 1st of each odd-numbered year, the  
40 commission shall submit a report to the appropriate committees of the

1 legislature that includes the determinations described in (a) of this  
2 subsection and describes the methodology employed by the commission  
3 in reaching those determinations.

4 (5) Within appropriation levels, the commission may hire an  
5 executive director and staff to carry out its mission. The commission  
6 may request assistance from other state agencies including, but not  
7 limited to, the caseload forecast council, the department of  
8 corrections, the department of social and health services, and other  
9 agencies.

10 NEW SECTION. **Sec. 16.** (1) The commission shall establish a law  
11 enforcement grant program. To be eligible for a grant, local law  
12 enforcement agencies shall submit proposals to the commission that  
13 focus on increasing the capacity of the law enforcement agency to  
14 address property crime within their jurisdiction through one of the  
15 following strategies:

16 (a) Focusing on intervention and enforcement through the use of  
17 increased staffing resources, including with overtime funds, to  
18 target property crime with evidence driven approaches;

19 (b) Increasing technological capacity to support intervention and  
20 enforcement with the purchase of technology for crime prevention and  
21 criminal justice problem solving. Technology shall include, but not  
22 be limited to, crime mapping software, global positioning systems  
23 technology, and smart phone tools;

24 (c) Enhancing analytical capacity through the development or  
25 expansion of analytical capabilities that focus on crime mapping,  
26 analysis of crime trends, and developing data driven strategies that  
27 focus on property crime reduction through the employment of civilian  
28 crime analysts;

29 (d) Engaging with community partners in order to develop projects  
30 that focus on preventing property crime in the community. Community  
31 partners may include, but are not limited to, public and private  
32 service providers, the courts, and probation services;

33 (e) Increasing direct services to property crime victims through  
34 local law enforcement efforts.

35 (2) Preference shall be given to grant applicants that can  
36 demonstrate a commitment to regional, multijurisdictional strategies  
37 and that can clearly outline a comprehensive plan for municipalities  
38 to work with law enforcement, community-based organizations, and  
39 government agencies to address property crime.

1 (3) The commission shall attempt to utilize national resources  
2 and expertise on policing.

3 (4) The commission shall utilize an advisory committee to  
4 evaluate grant applications and monitor the effectiveness of grant  
5 projects in terms of property crime reduction. The advisory committee  
6 shall include one representative of each of the following entities:

- 7 (a) Governor's office;
- 8 (b) Washington state association of counties;
- 9 (c) Washington association of prosecuting attorneys;
- 10 (d) Administrative office of the courts;
- 11 (e) Washington association of sheriffs and police chiefs;
- 12 (f) Crime victims' compensation commission;
- 13 (g) Department of corrections;
- 14 (h) Washington state patrol;
- 15 (i) Washington auto theft prevention authority; and
- 16 (j) Criminal justice training commission.

17 NEW SECTION. **Sec. 17.** The commission shall establish a pretrial  
18 grant program. To be eligible for a grant, counties shall submit  
19 proposals to the commission that provide for a local pretrial program  
20 that meets the following criteria. The pretrial program must:

21 (1) Establish a procedure for screening those persons detained  
22 following arrest, and information from the screening must be provided  
23 to the judge who is setting the bond and conditions of release. The  
24 information must provide the judge with the ability to make an  
25 appropriate initial bond decision that is based upon facts relating  
26 to the person's risk of failure to appear for court and risk of  
27 danger to the community;

28 (2) Implement an empirically developed pretrial risk assessment  
29 tool and a structured decision-making design based upon the person's  
30 charge and risk assessment score;

31 (3) Establish a community advisory board with membership  
32 including a representative of the judiciary, a representative of  
33 local law enforcement, a representative of a prosecuting attorney, a  
34 representative of a public defender or other defense counsel, and a  
35 representative of a sheriff;

36 (4) Provide mental health and cognitive behavioral treatment and  
37 services to each person, as needed, in order to address and reduce  
38 criminal behavior;

1 (5) Use community supervision as a condition of release in order  
2 to decrease unnecessary pretrial detention;

3 (6) Agree to provide an annual report to the commission that  
4 includes:

5 (a) The total number of pretrial assessments performed by the  
6 program and submitted to the court;

7 (b) The total number of closed cases in which the person was  
8 released from custody and supervised by the program;

9 (c) The total number of closed cases in which the person was  
10 released from custody, was supervised by the program, and, while  
11 under supervision, appeared for all scheduled court appearances on  
12 the case;

13 (d) The total number of closed cases in which the person was  
14 released from custody, was supervised by the program, and was not  
15 charged with a new criminal offense while under supervision;

16 (e) The total number of closed cases in which the person was  
17 released from custody, was supervised by the program, and the  
18 person's bond was not revoked by the court;

19 (f) The total number of persons released from custody to the  
20 supervision of the program and also on a commercial surety bond, a  
21 cash private surety or property bond, or a personal recognizance  
22 bond; and

23 (g) Any additional information required by the commission;

24 The commission shall identify at least one county to receive a  
25 grant that will test the impact of providing defendants with earlier  
26 access to pretrial defense counsel on pretrial outcomes and county  
27 budgets.

28 NEW SECTION. **Sec. 18.** (1) Grants awarded under sections 16 and  
29 17 of this act shall be considered one-time grants and may be renewed  
30 for effective programs as determined by the Washington justice  
31 commission. The commission shall consult with counties and local law  
32 enforcement agencies when determining grant eligibility requirements  
33 and criteria. The commission shall publish guidelines and an  
34 application for the competitive portion of the grant programs no  
35 later than January 1, 2016.

36 (2) The commission shall monitor and enforce grant compliance,  
37 including enforcement by withdrawing grant funds or requiring  
38 reimbursement of grant funds.

1 (3) The commission may adopt rules and procedures as necessary to  
2 carry out sections 16 and 17 of this act.

3 (4) A grantee may not supplant current local funds for pretrial  
4 services or law enforcement with funds provided by the commission  
5 under sections 16 and 17 of this act.

6 **Sec. 19.** RCW 9.94A.8673 and 2011 1st sp.s. c 40 s 37 are each  
7 amended to read as follows:

8 (1) Within funds appropriated for this purpose, the (~~sentencing~~  
9 ~~guidelines~~) commission shall establish and maintain a sex offender  
10 policy board.

11 (2)(a) The board shall serve to advise the governor and the  
12 legislature as necessary on issues relating to sex offender  
13 management.

14 (b) At such times as the governor or a legislative committee of  
15 jurisdiction may request, the sex offender policy board may be  
16 convened to:

17 (i) Undertake projects to assist policymakers in making informed  
18 judgments about issues relating to sex offender policy; and

19 (ii) Conduct case reviews of sex offense incidents to understand  
20 performance of Washington's sex offender prevention and response  
21 systems.

22 (3) The sex offender policy board shall consist of thirteen  
23 voting members. Unless the member is specifically named in this  
24 section, the following organizations shall designate a person to sit  
25 on the board. The voting membership shall consist of the following:

26 (a) A representative of the Washington association of sheriffs  
27 and police chiefs;

28 (b) A representative of the Washington association of prosecuting  
29 attorneys;

30 (c) A representative of the Washington association of criminal  
31 defense lawyers;

32 (d) The chair of the indeterminate sentence review board or his  
33 or her designee;

34 (e) A representative of the Washington association for the  
35 treatment of sex abusers;

36 (f) The secretary of the department of corrections or his or her  
37 designee;

38 (g) A representative of the Washington state superior court  
39 judges' association;

1 (h) The assistant secretary of the juvenile rehabilitation  
2 administration or his or her designee;

3 (i) The office of crime victims advocacy in the department of  
4 commerce;

5 (j) A representative of the Washington state association of  
6 counties;

7 (k) A representative of the association of Washington cities;

8 (l) A representative of the Washington association of sexual  
9 assault programs; and

10 (m) The director of the special commitment center or his or her  
11 designee.

12 (4) The board shall choose its chair by majority vote from among  
13 its voting membership. The chair's term shall be two years.

14 (5) As appropriate, the board shall consult with the criminal  
15 justice division in the attorney general's office and the Washington  
16 institute for public policy.

17 (6) Members of the board shall receive no compensation but may be  
18 reimbursed for travel expenses as provided in RCW 43.03.050 and  
19 43.03.060.

20 **Sec. 20.** RCW 9.94A.870 and 1999 c 143 s 13 are each amended to  
21 read as follows:

22 If the governor finds that an emergency exists in that the  
23 population of a state residential correctional facility exceeds its  
24 reasonable, maximum capacity, then the governor may do any one or  
25 more of the following:

26 (1) Call the (~~sentencing—guidelines~~) commission into an  
27 emergency meeting for the purpose of evaluating the standard ranges  
28 and other standards. The commission may adopt any revision or  
29 amendment to the standard ranges or other standards that it believes  
30 appropriate to deal with the emergency situation. The revision or  
31 amendment shall be adopted in conformity with chapter 34.05 RCW and  
32 shall take effect on the date prescribed by the commission. The  
33 legislature shall approve or modify the commission's revision or  
34 amendment at the next legislative session after the revision or  
35 amendment takes effect. Failure of the legislature to act shall be  
36 deemed as approval of the revision or amendment;

37 (2) Call the clemency and pardons board into an emergency meeting  
38 for the purpose of recommending whether the governor's commutation or  
39 pardon power should be exercised to meet the present emergency.

1       **Sec. 21.** RCW 9.94A.875 and 1984 c 209 s 9 are each amended to  
2 read as follows:

3       If the governor finds that an emergency exists in that the  
4 populations of county jails exceed their reasonable, maximum capacity  
5 in a significant manner as a result of increases in the sentenced  
6 felon population due to implementation of chapter 9.94A RCW, the  
7 governor may do any one or more of the following:

8       (1) Call the (~~sentencing guidelines~~) commission into an  
9 emergency meeting for the purpose of evaluating the standard ranges  
10 and other standards. The commission may adopt any revision or  
11 amendment to the standard ranges or other standards that it believes  
12 appropriate to deal with the emergency situation. The revision or  
13 amendment shall be adopted in conformity with chapter 34.05 RCW and  
14 shall take effect on the date prescribed by the commission. The  
15 legislature shall approve or modify the commission's revision or  
16 amendment at the next legislative session after the revision or  
17 amendment takes effect. Failure of the legislature to act shall be  
18 deemed as approval of the revision or amendment. The commission shall  
19 also analyze how alternatives to total confinement are being provided  
20 and used and may recommend other emergency measures that may relieve  
21 the overcrowding.

22       (2) Call the clemency and pardons board into an emergency meeting  
23 for the purpose of recommending whether the governor's commutation or  
24 pardon power should be exercised to meet the present emergency.

25       **Sec. 22.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to  
26 read as follows:

27       The lieutenant governor serves as president of the senate and is  
28 responsible for making appointments to, and serving on, the  
29 committees and boards as set forth in this section.

30       (1) The lieutenant governor serves on the following boards and  
31 committees:

32       (a) Capitol furnishings preservation committee, RCW 27.48.040;

33       (b) Washington higher education facilities authority, RCW  
34 28B.07.030;

35       (c) Productivity board, also known as the employee involvement  
36 and recognition board, RCW 41.60.015;

37       (d) State finance committee, RCW 43.33.010;

38       (e) State capitol committee, RCW 43.34.010;

39       (f) Washington health care facilities authority, RCW 70.37.030;

1 (g) State medal of merit nominating committee, RCW 1.40.020;  
2 (h) Medal of valor committee, RCW 1.60.020; and  
3 (i) Association of Washington generals, RCW 43.15.030.  
4 (2) The lieutenant governor, and when serving as president of the  
5 senate, appoints members to the following boards and committees:  
6 (a) Civil legal aid oversight committee, RCW 2.53.010;  
7 (b) Office of public defense advisory committee, RCW 2.70.030;  
8 (c) Washington state gambling commission, RCW 9.46.040;  
9 (d) (~~Sentencing guidelines~~) Washington justice commission, RCW  
10 9.94A.860;  
11 (e) State building code council, RCW 19.27.070;  
12 (f) Financial education public-private partnership, RCW  
13 28A.300.450;  
14 (g) Joint administrative rules review committee, RCW 34.05.610;  
15 (h) Capital projects advisory review board, RCW 39.10.220;  
16 (i) Select committee on pension policy, RCW 41.04.276;  
17 (j) Legislative ethics board, RCW 42.52.310;  
18 (k) Washington citizens' commission on salaries, RCW 43.03.305;  
19 (l) Legislative oral history committee, RCW 44.04.325;  
20 (m) State council on aging, RCW 43.20A.685;  
21 (n) State investment board, RCW 43.33A.020;  
22 (o) Capitol campus design advisory committee, RCW 43.34.080;  
23 (p) Washington state arts commission, RCW 43.46.015;  
24 (q) Information services board, RCW 43.105.032;  
25 (r) Council for children and families, RCW 43.121.020;  
26 (s) PNWER-Net working subgroup under chapter 43.147 RCW;  
27 (t) Community economic revitalization board, RCW 43.160.030;  
28 (u) Washington economic development finance authority, RCW  
29 43.163.020;  
30 (v) Life sciences discovery fund authority, RCW 43.350.020;  
31 (w) Legislative children's oversight committee, RCW 44.04.220;  
32 (x) Joint legislative audit and review committee, RCW 44.28.010;  
33 (y) Joint committee on energy supply and energy conservation, RCW  
34 44.39.015;  
35 (z) Legislative evaluation and accountability program committee,  
36 RCW 44.48.010;  
37 (aa) Agency council on coordinated transportation, RCW  
38 47.06B.020;  
39 (bb) Washington horse racing commission, RCW 67.16.014;  
40 (cc) Correctional industries board of directors, RCW 72.09.080;

1 (dd) Joint committee on veterans' and military affairs, RCW  
2 73.04.150;  
3 (ee) Joint legislative committee on water supply during drought,  
4 RCW 90.86.020;  
5 (ff) Statute law committee, RCW 1.08.001; and  
6 (gg) Joint legislative oversight committee on trade policy, RCW  
7 44.55.020.

8 **Sec. 23.** RCW 72.09.350 and 2014 c 225 s 94 are each amended to  
9 read as follows:

10 (1) The department of corrections and the University of  
11 Washington may enter into a collaborative arrangement to provide  
12 improved services for offenders with mental illness with a focus on  
13 prevention, treatment, and reintegration into society. The  
14 participants in the collaborative arrangement may develop a strategic  
15 plan within sixty days after May 17, 1993, to address the management  
16 of offenders with mental illness within the correctional system,  
17 facilitating their reentry into the community and the mental health  
18 system, and preventing the inappropriate incarceration of individuals  
19 with mental illness. The collaborative arrangement may also specify  
20 the establishment and maintenance of a corrections mental health  
21 center located at McNeil Island corrections center. The collaborative  
22 arrangement shall require that an advisory panel of key stakeholders  
23 be established and consulted throughout the development and  
24 implementation of the center. The stakeholders advisory panel shall  
25 include a broad array of interest groups drawn from representatives  
26 of mental health, criminal justice, and correctional systems. The  
27 stakeholders advisory panel shall include, but is not limited to,  
28 membership from: The department of corrections, the department of  
29 social and health services mental health division and division of  
30 juvenile rehabilitation, behavioral health organizations, local and  
31 regional law enforcement agencies, the ~~((sentencing guidelines))~~  
32 Washington justice commission, county and city jails, mental health  
33 advocacy groups for individuals with mental illness or developmental  
34 disabilities, ~~((and))~~ the traumatically brain-injured, and the  
35 general public. The center established by the department of  
36 corrections and University of Washington, in consultation with the  
37 stakeholder advisory groups, shall have the authority to:

38 (a) Develop new and innovative treatment approaches for  
39 corrections mental health clients;

1 (b) Improve the quality of mental health services within the  
2 department and throughout the corrections system;

3 (c) Facilitate mental health staff recruitment and training to  
4 meet departmental, county, and municipal needs;

5 (d) Expand research activities within the department in the area  
6 of treatment services, the design of delivery systems, the  
7 development of organizational models, and training for corrections  
8 mental health care professionals;

9 (e) Improve the work environment for correctional employees by  
10 developing the skills, knowledge, and understanding of how to work  
11 with offenders with special chronic mental health challenges;

12 (f) Establish a more positive rehabilitative environment for  
13 offenders;

14 (g) Strengthen multidisciplinary mental health collaboration  
15 between the University of Washington, other groups committed to the  
16 intent of this section, and the department of corrections;

17 (h) Strengthen department linkages between institutions of higher  
18 education, public sector mental health systems, and county and  
19 municipal corrections;

20 (i) Assist in the continued formulation of corrections mental  
21 health policies;

22 (j) Develop innovative and effective recruitment and training  
23 programs for correctional personnel working with offenders with  
24 mental illness;

25 (k) Assist in the development of a coordinated continuum of  
26 mental health care capable of providing services from corrections  
27 entry to community return; and

28 (l) Evaluate all current and innovative approaches developed  
29 within this center in terms of their effective and efficient  
30 achievement of improved mental health of inmates, development and  
31 utilization of personnel, the impact of these approaches on the  
32 functioning of correctional institutions, and the relationship of the  
33 corrections system to mental health and criminal justice systems.  
34 Specific attention should be paid to evaluating the effects of  
35 programs on the reintegration of offenders with mental illness into  
36 the community and the prevention of inappropriate incarceration of  
37 persons with mental illness.

38 (2) The corrections mental health center may conduct research,  
39 training, and treatment activities for the offender with mental  
40 illness within selected sites operated by the department. The

1 department shall provide support services for the center such as food  
2 services, maintenance, perimeter security, classification, offender  
3 supervision, and living unit functions. The University of Washington  
4 may develop, implement, and evaluate the clinical, treatment,  
5 research, and evaluation components of the mentally ill offender  
6 center. The institute of for public policy and management may be  
7 consulted regarding the development of the center and in the  
8 recommendations regarding public policy. As resources permit,  
9 training within the center shall be available to state, county, and  
10 municipal agencies requiring the services. Other state colleges,  
11 state universities, and mental health providers may be involved in  
12 activities as required on a subcontract basis. Community mental  
13 health organizations, research groups, and community advocacy groups  
14 may be critical components of the center's operations and involved as  
15 appropriate to annual objectives. Clients with mental illness may be  
16 drawn from throughout the department's population and transferred to  
17 the center as clinical need, available services, and department  
18 jurisdiction permits.

19 (3) The department shall prepare a report of the center's  
20 progress toward the attainment of stated goals and provide the report  
21 to the legislature annually.

22 **Sec. 24.** RCW 10.98.160 and 2011 1st sp.s. c 40 s 33 are each  
23 amended to read as follows:

24 In the development and modification of the procedures,  
25 definitions, and reporting capabilities of the section, the  
26 department, the office of financial management, and the responsible  
27 agencies and persons shall consider the needs of other criminal  
28 justice agencies such as the administrative office of the courts,  
29 local law enforcement agencies, local jails, the Washington justice  
30 commission, the indeterminate sentence review board, the clemency  
31 board, prosecuting attorneys, and affected state agencies such as the  
32 office of financial management and legislative committees dealing  
33 with criminal justice issues. The Washington integrated justice  
34 information board shall review and provide recommendations to state  
35 justice agencies and the courts for development and modification of  
36 the statewide justice information network.

37 **Sec. 25.** RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each  
38 amended to read as follows:

1 (1) The criminal justice treatment account is created in the  
2 state treasury. Moneys in the account may be expended solely for: (a)  
3 Substance abuse treatment and treatment support services for  
4 offenders with an addiction or a substance abuse problem that, if not  
5 treated, would result in addiction, against whom charges are filed by  
6 a prosecuting attorney in Washington state; (b) the provision of drug  
7 and alcohol treatment services and treatment support services for  
8 nonviolent offenders within a drug court program; (c) the  
9 administrative and overhead costs associated with the operation of a  
10 drug court; and (d) during the 2011-2013 biennium, the legislature  
11 may appropriate up to three million dollars from the account in order  
12 to offset reductions in the state general fund for treatment services  
13 provided by counties. This amount is not subject to the requirements  
14 of subsections (5) through (9) of this section. During the 2013-2015  
15 fiscal biennium, the legislature may transfer from the criminal  
16 justice treatment account to the state general fund amounts as  
17 reflect the state savings associated with the implementation of the  
18 medicaid expansion of the federal affordable care act. Moneys in the  
19 account may be spent only after appropriation.

20 (2) For purposes of this section:

21 (a) "Treatment" means services that are critical to a  
22 participant's successful completion of his or her substance abuse  
23 treatment program, but does not include the following services:  
24 Housing other than that provided as part of an inpatient substance  
25 abuse treatment program, vocational training, and mental health  
26 counseling; and

27 (b) "Treatment support" means transportation to or from inpatient  
28 or outpatient treatment services when no viable alternative exists,  
29 and child care services that are necessary to ensure a participant's  
30 ability to attend outpatient treatment sessions.

31 (3) Revenues to the criminal justice treatment account consist  
32 of: (a) Funds transferred to the account pursuant to this section;  
33 and (b) any other revenues appropriated to or deposited in the  
34 account.

35 (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
36 treasurer shall transfer eight million nine hundred fifty thousand  
37 dollars from the general fund into the criminal justice treatment  
38 account, divided into eight equal quarterly payments. For the fiscal  
39 year beginning July 1, 2005, and each subsequent fiscal year, the  
40 state treasurer shall transfer eight million two hundred fifty

1 thousand dollars from the general fund to the criminal justice  
2 treatment account, divided into four equal quarterly payments. For  
3 the fiscal year beginning July 1, 2006, and each subsequent fiscal  
4 year, the amount transferred shall be increased on an annual basis by  
5 the implicit price deflator as published by the federal bureau of  
6 labor statistics.

7 (b) In each odd-numbered year, the legislature shall appropriate  
8 the amount transferred to the criminal justice treatment account in  
9 (a) of this subsection to the division of alcohol and substance abuse  
10 for the purposes of subsection (5) of this section.

11 (5) Moneys appropriated to the division of alcohol and substance  
12 abuse from the criminal justice treatment account shall be  
13 distributed as specified in this subsection. The department shall  
14 serve as the fiscal agent for purposes of distribution. Until July 1,  
15 2004, the department may not use moneys appropriated from the  
16 criminal justice treatment account for administrative expenses and  
17 shall distribute all amounts appropriated under subsection (4)(b) of  
18 this section in accordance with this subsection. Beginning in July 1,  
19 2004, the department may retain up to three percent of the amount  
20 appropriated under subsection (4)(b) of this section for its  
21 administrative costs.

22 (a) Seventy percent of amounts appropriated to the division from  
23 the account shall be distributed to counties pursuant to the  
24 distribution formula adopted under this section. The division of  
25 alcohol and substance abuse, in consultation with the department of  
26 corrections, the Washington justice commission, the Washington state  
27 association of counties, the Washington state association of drug  
28 court professionals, the superior court judges' association, the  
29 Washington association of prosecuting attorneys, representatives of  
30 the criminal defense bar, representatives of substance abuse  
31 treatment providers, and any other person deemed by the division to  
32 be necessary, shall establish a fair and reasonable methodology for  
33 distribution to counties of moneys in the criminal justice treatment  
34 account. County or regional plans submitted for the expenditure of  
35 formula funds must be approved by the panel established in (b) of  
36 this subsection.

37 (b) Thirty percent of the amounts appropriated to the division  
38 from the account shall be distributed as grants for purposes of  
39 treating offenders against whom charges are filed by a county  
40 prosecuting attorney. The division shall appoint a panel of

1 representatives from the Washington association of prosecuting  
2 attorneys, the Washington association of sheriffs and police chiefs,  
3 the superior court judges' association, the Washington state  
4 association of counties, the Washington defender's association or the  
5 Washington association of criminal defense lawyers, the department of  
6 corrections, the Washington state association of drug court  
7 professionals, substance abuse treatment providers, and the division.  
8 The panel shall review county or regional plans for funding under (a)  
9 of this subsection and grants approved under this subsection. The  
10 panel shall attempt to ensure that treatment as funded by the grants  
11 is available to offenders statewide.

12 (6) The county alcohol and drug coordinator, county prosecutor,  
13 county sheriff, county superior court, a substance abuse treatment  
14 provider appointed by the county legislative authority, a member of  
15 the criminal defense bar appointed by the county legislative  
16 authority, and, in counties with a drug court, a representative of  
17 the drug court shall jointly submit a plan, approved by the county  
18 legislative authority or authorities, to the panel established in  
19 subsection (5)(b) of this section, for disposition of all the funds  
20 provided from the criminal justice treatment account within that  
21 county. The funds shall be used solely to provide approved alcohol  
22 and substance abuse treatment pursuant to RCW 70.96A.090, treatment  
23 support services, and for the administrative and overhead costs  
24 associated with the operation of a drug court.

25 (a) No more than ten percent of the total moneys received under  
26 subsections (4) and (5) of this section by a county or group of  
27 counties participating in a regional agreement shall be spent on the  
28 administrative and overhead costs associated with the operation of a  
29 drug court.

30 (b) No more than ten percent of the total moneys received under  
31 subsections (4) and (5) of this section by a county or group of  
32 counties participating in a regional agreement shall be spent for  
33 treatment support services.

34 (7) Counties are encouraged to consider regional agreements and  
35 submit regional plans for the efficient delivery of treatment under  
36 this section.

37 (8) Moneys allocated under this section shall be used to  
38 supplement, not supplant, other federal, state, and local funds used  
39 for substance abuse treatment.

1 (9) Counties must meet the criteria established in RCW  
2 2.28.170(3)(b).

3 (10) The authority under this section to use funds from the  
4 criminal justice treatment account for the administrative and  
5 overhead costs associated with the operation of a drug court expires  
6 June 30, 2015.

7 NEW SECTION. **Sec. 26.** A new section is added to chapter 43.88  
8 RCW to read as follows:

9 (1) If one member from each of the major two caucuses in the  
10 house of representatives or the senate request in writing a racial  
11 and ethnic impact statement under this section regarding legislation  
12 that has been introduced in that chamber, the Washington justice  
13 commission shall prepare a racial and ethnic impact analysis that  
14 describes the effects of proposed legislation on the racial and  
15 ethnic composition of:

16 (a) The criminal offender population; or

17 (b) Recipients of human services.

18 (2) A racial and ethnic impact statement must be impartial,  
19 simple, and understandable, and must include, for racial and ethnic  
20 groups for which data are available, the following:

21 (a) An estimate of how the proposed legislation would change the  
22 racial and ethnic composition of the criminal offender population or  
23 recipients of human services;

24 (b) A statement of the methodologies and assumptions used in  
25 preparing the estimate; and

26 (c) If the racial and ethnic impact statement addresses the  
27 effect of proposed legislation on the criminal offender population,  
28 an estimate of the racial and ethnic composition of the crime victims  
29 who may be affected by the proposed legislation.

30 (3) As used in this section:

31 (a) "Criminal offender population" means all persons who are  
32 convicted of a crime or adjudicated for an act that, if committed by  
33 an adult, would constitute a crime.

34 (b) "Recipients of human services" means all persons who are  
35 found to be within the jurisdiction of the juvenile court or who  
36 receive child welfare services.

37 NEW SECTION. **Sec. 27.** The Washington justice commission account  
38 is created in the custody of the state treasurer. All receipts from

1 gifts, donations, and grants shall be deposited into the account.  
2 Expenditures from the account may be used only for implementing the  
3 mission and duties of the Washington justice commission. Only the  
4 commission chair or the chair's designee may authorize expenditures  
5 from the account. The account is subject to allotment procedures  
6 under chapter 43.88 RCW, but an appropriation is not required for  
7 expenditures.

8 NEW SECTION. **Sec. 28. FOR THE WASHINGTON JUSTICE COMMISSION**

9	General Fund—State Appropriation (FY 2016). . . . .	\$3,000,000
10	General Fund—State Appropriation (FY 2017). . . . .	\$3,000,000
11	TOTAL APPROPRIATION. . . . .	\$6,000,000

12 The appropriations in this section are subject to the following  
13 conditions and limitations:

- 14 (1) \$2,000,000 in each fiscal year is provided solely for law  
15 enforcement property crime reduction grants;
- 16 (2) \$400,000 in each fiscal year is provided solely for new  
17 victim compensation benefits for victims of property crimes;
- 18 (3) \$100,000 in each fiscal year is provided solely for victim  
19 notification in King, Pierce, and Snohomish counties; and
- 20 (4) \$500,000 in each fiscal year is provided solely for county  
21 pretrial improvement grants.

22 NEW SECTION. **Sec. 29. FOR THE DEPARTMENT OF CORRECTIONS**

23	General Fund—State Appropriation (FY 2016). . . . .	\$414,000
24	General Fund—State Appropriation (FY 2017). . . . .	\$8,620,000
25	TOTAL APPROPRIATION. . . . .	\$9,034,000

26 The appropriations in this section are subject to the following  
27 conditions and limitations: The appropriations are provided solely  
28 for mandatory supervision of property offenders, community violator  
29 bed impacts, and mental health and cognitive behavioral treatment and  
30 services under chapter . . . . ., Laws of 2015 (this act).

31 NEW SECTION. **Sec. 30.** A new section is added to chapter 43.131  
32 RCW to read as follows:

33 The Washington justice commission as established in sections 2  
34 and 13 through 28 of this act, and its powers and duties, is  
35 terminated on June 30, 2021, as provided in section 31 of this act.

1        NEW SECTION.    **Sec. 31.**    A new section is added to chapter 43.131  
2    RCW to read as follows:

3        The following acts or parts of acts, as now existing or hereafter  
4    amended, are each repealed, effective June 30, 2022:

- 5        (1) Section 1 of this act;
- 6        (2) Section 2 of this act;
- 7        (3) Section 3 of this act;
- 8        (4) Section 4 of this act;
- 9        (5) Section 5 of this act;
- 10       (6) Section 6 of this act;
- 11       (7) Section 7 of this act;
- 12       (8) Section 8 of this act;
- 13       (9) Section 9 of this act;
- 14       (10) Section 10 of this act;
- 15       (11) Section 11 of this act;
- 16       (12) Section 12 of this act;
- 17       (13) Section 13 of this act;
- 18       (14) Section 14 of this act;
- 19       (15) Section 15 of this act;
- 20       (16) Section 16 of this act;
- 21       (17) Section 17 of this act;
- 22       (18) Section 18 of this act;
- 23       (19) Section 19 of this act;
- 24       (20) Section 20 of this act;
- 25       (21) Section 21 of this act;
- 26       (22) Section 22 of this act;
- 27       (23) Section 23 of this act;
- 28       (24) Section 24 of this act;
- 29       (25) Section 25 of this act;
- 30       (26) Section 26 of this act;
- 31       (27) Section 27 of this act;
- 32       (28) Section 28 of this act; and
- 33       (29) Section 29 of this act.

34       NEW SECTION.    **Sec. 32.**    Sections 7, 8, 14 through 17, and 27 of  
35    this act are each added to chapter 9.94A RCW.

36       NEW SECTION.    **Sec. 33.**    If specific funding for the purposes of  
37    this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2015, in the omnibus appropriations act, this  
2 act is null and void.

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